



Notice of meeting of

Planning Committee

To: Councillors R Watson (Chair), Simpson-Laing (Vice-Chair), Cregan, Crisp, D'Agorne, Firth, Sue Galloway, Galvin, Horton, Hudson, Jamieson-Ball, King, Moore, Reid, B Watson and Wiseman

Date: Thursday, 25 October 2007

Time: 4.30 pm

Venue: The Guildhall, York

AGENDA

Site Visits for this meeting will commence at 12:30 pm on Wednesday 24 October at Memorial Gardens

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. Minutes (Pages 5 - 22)

To approve and sign the minutes of the meeting of the Planning Committee held on 30 August 2007 and 27 September 2007.

3. 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.

4. Plans List

This item invites Members to determine the following planning applications:

a) York College of Further and Higher Education Tadcaster Road Dringhouses York YO24 1UA (07/00752/REMM) (Pages 23 - 76)

Reserved matters application for residential development comprising 360 dwellings after demolition of existing college (Resubmission)

b) York College Of Further And Higher Education Tadcaster Road Dringhouses York YO24 1UA (07/01075/FUL) (Pages 77 - 84)

Use of land to south east of site as public open space including provision of footpaths and associated landscaping and drainage works (resubmission)

c) Tarmac Limited Ouse Acres York YO26 5SJ (07/00056/OUTM) (Pages 85 - 102)

Outline application for residential development comprising houses and apartments after demolition of existing warehouse and plant.

d) Barbican Centre Paragon Street York YO10 4AG (07/01399/FULM) (Pages 103 - 124)

Erection of six storey 160 bedroom 4 star hotel (revised scheme to that approved under 03/04075/GRG4).

e) Oaklands Sports Centre Cornlands Road York YO24 3DX (07/01345/GRG3) (Pages 125 - 144)

Extensions to existing sports centre to provide swimming pool and associated facilities including additional car parking and associated plant. New canopy to existing sports centre entrance.

5. Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

Name: Sarah Kingston

Contact Details:

- Telephone – (01904) 552030
- E-mail – sarah.kingston@york.gov.uk

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.

This page is intentionally left blank

PLANNING COMMITTEE – 25th OCTOBER 2007**SITE VISITS****WEDNESDAY 24th OCTOBER 2007**

<u>Time</u>	<u>Site</u>	<u>Item</u>
12.30 pm	Coach leaves Memorial Gardens	
12.40 pm	Land at Barbican Centre, Paragon Street	4d
1.20 pm	Former York College, Tadcaster Road	4a
2.00 pm	Tarmac Site, Ouseacres	4c

This page is intentionally left blank

About City of York Council Meetings

Would you like to speak at this meeting?

If you would, you will need to:

- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than 5.00 pm** on the last working day before the meeting;
- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
- find out about the rules for public speaking from the Democracy Officer.

A leaflet on public participation is available on the Council's website or from Democratic Services by telephoning York (01904) 551088

Further information about what's being discussed at this meeting

All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

Access Arrangements

We will make every effort to make the meeting accessible to you. The meeting will usually be held in a wheelchair accessible venue with an induction hearing loop. We can provide the agenda or reports in large print, electronically (computer disk or by email), in Braille or on audio tape. Some formats will take longer than others so please give as much notice as possible (at least 48 hours for Braille or audio tape).

If you have any further access requirements such as parking close-by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

Every effort will also be made to make information available in another language, either by providing translated information or an interpreter providing sufficient advance notice is given. Telephone York (01904) 551550 for this service.

যদি যথেষ্ট আগে থেকে জানানো হয় তাহলে অন্য কোন অর্ধাতে তথ্য জানানোর জন্য সব ধরনের চেষ্টা করা হবে, এর জন্য দরকার হলে তথ্য অনুবাদ করে দেয়া হবে অথবা একজন দোঅবী সরবরাহ করা হবে। টেলিফোন নম্বর (01904) 551 550।

Yeteri kadar önceden haber verilmesi koşuluyla, bilgilerin terümesini hazırlatmak ya da bir tercüman bulmak için mümkün olan herşey yapılacaktır. Tel: (01904) 551 550

我們竭力使提供的資訊備有不同語言版本，在有充足時間提前通知的情況下會安排筆譯或口譯服務。電話 (01904) 551 550。

اگر مناسب وقت سے اطلاع دی جاتی ہے تو ہم معلومات کا ترجمہ مہیا کرنے کی پوری کوشش کریں گے۔ ٹیلی فون (01904) 551 550

Informacja może być dostępna w tłumaczeniu, jeśli dostaniemy zapotrzebowanie z wystarczającym wyprzedzeniem. Tel: (01904) 551 550

Holding the Executive to Account

The majority of councillors are not appointed to the Executive (38 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Advisory Panel (EMAP)) agenda. The Executive will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Executive meeting in the following week, where a final decision on the 'called-in' business will be made.

Scrutiny Committees

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

Who Gets Agenda and Reports for our Meetings?

- Councillors get copies of all agenda and reports for the committees to which they are appointed by the Council;
- Relevant Council Officers get copies of relevant agenda and reports for the committees which they report to;
- Public libraries get copies of **all** public agenda/reports.

City of York Council

Minutes

MEETING	PLANNING COMMITTEE
DATE	30 AUGUST 2007
PRESENT	COUNCILLORS SIMPSON-LAING (VICE-CHAIR), CREGAN, CRISP, D'AGORNE, SUE GALLOWAY, GALVIN, HORTON, JAMIESON-BALL, KING, MOORE, REID, B WATSON, WISEMAN, HYMAN (SUBSTITUTE), MORLEY (SUBSTITUTE) AND GILLIES (SUBSTITUTE)
APOLOGIES	COUNCILLORS R WATSON, FIRTH AND HUDSON

15. SITE VISITS

The following sites were inspected before the meeting:

Site	Reason for Visit	Members Attended
Oaklands Sports Centre	To enable Members to familiarise themselves with the site.	Councillors Reid, Moore, Horton, B Watson, Gillies, Crisp, Wiseman, Simpson-Laing & Sue Galloway.
Dunnington Lodge, Elvington Lane, Dunnington	This was a retrospective application. The visit gave Members the opportunity to assess the visual impact of the development.	Councillors Reid, Moore, Horton, B Watson, Gillies, Crisp & Wiseman.

16. DECLARATIONS OF INTEREST

Members were invited to declare any personal or prejudicial interests they may have in the business on the agenda.

Councillor Jamieson – Ball stood down from the Committee for plans item 4c (Dunnington Lodge, Elvington Lane, Dunnington), under the provisions of the Planning Code of Good Practice and spoke from the floor on behalf of the Applicant. He took no part in the debate thereafter.

Councillor D'Agorne declared a personal non-prejudicial interest in plans item 4d (Racecourse, Racecourse Road, Knavesmire, York), as he regularly used the cycle route across the Racecourse.

Councillor Horton declared a personal prejudicial interest in plans item 4d (Racecourse, Racecourse Road, Knavesmire, York) as he received free

race facilities as a previous Lord Mayor. He left the room and took no part in the debate.

Councillor Hyman declared a personal prejudicial interest in plans item 4d (Racecourse, Racecourse Road, Knavesmire, York) as he received race tickets from the Lord Mayor in his role as Sheriff. He left the room and took no part in the debate.

17. MINUTES

RESOLVED: That the minutes of the meeting held on 26 July 2007 be approved and signed by the Chair as a correct record.

18. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak, under the Council's Public Participation Scheme, on general issues within the remit of this Committee.

19. PLANS LIST

Members considered reports of the Assistant Director, Planning & Sustainable Development, relating to the following planning applications, outlining the proposals and relevant considerations and setting out the views and advice of consultees and officers.

19a Factory Bishopthorpe Road York YO23 1NA (07/01547/FUL)

Members considered a full application submitted by GHT Developments LLP for temporary change of use to offices of the Headquarters Building and minor and external alterations to office accommodation (B1 use).

Officers updated that the reference number and description published in the agenda were incorrect and should read as follows:

'07/01547/FUL' and 'Refurbishment and change of use to offices (B1 use)'

It was reported that the Applicants had submitted further details regarding the proposed disabled access ramp (at the front of the building) and proposals to subdivide the staff kitchen. These were as follows:

Disability Discrimination Act (DDA) Ramp

The Council's Conservation Architect had previously advised that the proposed design of the ramp was unacceptable. The balustrading was heavy in appearance and a more suitable design should be sought which would not have such a detrimental impact upon the external appearance and setting of the listed building. The Applicants had now submitted further details regarding a metal 'key clamp style' railing which was also deemed to be unacceptable as the design appeared crude and heavy in appearance. It is considered that the Applicants should seek a design which is less bulky and has smaller profile balustrading. The Officer also

added that the ramp should be removed, after the use of the building as temporary office accommodation ceases, to allow for a permanent ramp for the hotel.

Sub-division of staff room

The Applicants submitted details regarding the sub-division of the proposed kitchen at both ground and first floor level. It was now proposed to include a toilet and a shower within each staff room. The Applicants state that the rooms are not panelled and the wall details will be similar to those for the corridor fire doors. The cubicles will be a proprietary system. The Council's Conservation Architect raised no objections to these proposals.

Representations were received from the Development Director who said that the overall application for the site was out for consultation. There was already a proposed tenant for the temporary office building and the proposed use would compliment the City of York Council's aspirations for the use of the site.

Representations were also received from Bishopthorpe Parish Council who raised concerns about traffic movements in the vicinity of the site.

Members raised concerns regarding the piecemeal way the site was being brought to Planning Committee and very much hoped that they would be able to see the overall development and transport plan for the site as a whole in the not too distant future.

Members requested that additional and amended conditions be added regarding cycle storage, waste storage & deliveries.

RESOLVED: That the application be approved subject to the conditions outlined in the report and the following additional and amended conditions:

1. That the final design of the DDA ramp be agreed with City of York Planning Officers under delegated powers.

Reason: To ensure that the design is satisfactory.

2. This use shall cease by 30/08/2009 unless prior to that date the consent of the Local Planning Authority has been obtained to extend the period of the permission.

Reason: So that the Local Planning Authority may assess the impact of this use upon the surrounding area.

3. The hours of delivery to and dispatch from the new offices shall be confined to the following

times, unless otherwise approved in writing by the local planning authority:

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 neighbouring residents.

4. Prior to the development commencing, details regarding the location of the service door for the temporary offices shall be submitted to and approved in writing by the Local Planning Department. Details should indicate the precise location of the service door.

Reason: In order to protect the setting of the listed building and protect the character of the Terry's Conservation Area.

5. Before any development on site takes place, a scheme for the provision of cycle parking facilities shall be submitted to the Local Planning Authority for approval in writing. The approved scheme shall then be implemented in its entirety prior to the occupation of the development hereby approved and thereafter so retained.

Reason: To comply with the Local Planning Authority's parking standards and to ensure appropriate facilities are provided for cyclists as part of the development.

6. Prior to the development commencing, details regarding the storage and collection of waste shall be submitted to and approved in writing by the Local Planning Department. Details should indicate the precise location of the waste storage area and a method statement should accompany the details explaining the waste removal strategy for the temporary office use.

Reason: In order to protect the setting of the listed building and protect the character of the Terry's Conservation Area.

REASON: The proposal, subject to the conditions listed in the report and above, would not cause undue harm to interests of acknowledged importance, with particular reference to the Former Headquarters Building which is a listed building and the Racecourse and Terry's

Conservation Area. As such this proposal complies with policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and policies GP1, HE2, HE3, GP4 (a), GP11, T4, T5, E3b and E4 of the City of York Local Plan Deposit Draft, also PPS1 and PPG19.

19b Factory Bishopthorpe Road York YO23 1NA (07/01548/LBC)

Members considered an application for Listed Building Consent submitted by GHT Developments LLP for temporary change of use to offices of the Headquarters Building and minor and external alterations to office accommodation (B1 use).

RESOLVED: That the application be approved subject to the conditions outlined in the report.

REASON: That the proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the Former Headquarters Building which is a listed building and the Racecourse and Terry's Conservation Area and the adjacent listed buildings. As such this proposal complies with policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and policies HE3 and HE4 of the City of York Local Plan Deposit Draft also PPS1.

19c Dunnington Lodge Elvington Lane Dunnington York YO19 5LT (07/01335/FULM)

Members considered a major full application submitted by Mr Tom Percy for the use of land at Dunnington Lodge, Elvington Lane as a Maize Maze with conversion of farm buildings to associated stores, offices and farm shop including construction of a toilet building and a 200 space car park (part retrospective). This application is a resubmission.

Officers updated that conditions four and six in the report had been altered; the changes to these were shown in the Resolution below. There were also two additional conditions regarding drainage and removal of permitted development rights.

Councillor Jamieson-Ball stood down from the Committee under the Planning Code of Good Conduct and spoke from the floor on behalf of the Applicant. He said that the current site operated successfully and had not received any complaints. The proposed site would not cause any harm to the greenbelt and the Maize Maze fits in well with the existing use of the site. The Applicant had also addressed the traffic concerns raised by the Highways Department.

Members queried the opening hours of the maze and the Applicant confirmed that it was generally during the daytime but there were infrequent evening events that he would like to continue running. It was

also noted that the Applicant had agreed to provide funding for some nearby bus stops.

Members raised concerns regarding the surface of the children's play area and requested an informative be included regarding this.

RESOLVED: That the application be approved subject to the conditions outlined in the report and the following amended and additional conditions and Informative.

1. Amended condition 4 – Prior to the development coming into use, all areas used by vehicles, including the car park shall be surfaced only in accordance with details to be approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity in the Green Belt.

2. Amended condition 6 – 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 use hereby permitted shall not commence 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 in the interests of sustainability and the amenity of nearby residents.

3. Development shall not begin until details of any foul and surface water drainage works from any new building or proposed use within existing buildings 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.

4. 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),

development of the type described in Class A of Part 2 of Schedule 2 (Minor operations including all gates, fences, walls or other means of enclosure) 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 protection of the openness of the Green Belt the Local Planning Authority considered that it should exercise control over the erection of any future or means of enclosure, 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.

Informative

The ground surface under and around the play equipment as installed shall meet the health and safety requirements for use of such equipment by the general public. This is the responsibility of the site owner and advice and information on such requirements should be sought by them. This surface, where possible, should be designed to blend in with its surroundings in terms of colour, material and texture.

REASON: That, subject to the conditions outlined above and in the report, the proposal would not cause undue harm to interests of acknowledged importance, with particular reference to the impact of the Green Belt, local highway safety and issues of sustainability. As such the proposal complies with Policies E8A, E9, R1 and R2 IN of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GB1, GB3, GB13, GP4A and T5 of the City of York Draft Local Plan incorporating the 4th set of changes approved April 2005.

**19d Racecourse Racecourse Road Knavesmire York YO23 1EJ
(07/01311/FULM)**

Members considered a major full application for the widening of the South Bend of the Racecourse, surfacing of service track and associated works including drainage works submitted by York Race Committee.

The Officer updated that he had received a response from the Structures and Drainage Section; the development was in a high risk flood zone and regularly suffered from flooding. However, no objections were raised, as the proposals were compatible with the zone. The developer would liaise

with the Council's drainage section regarding existing land drainage that may be affected by the proposals.

An additional letter had been received from a local resident who said that:

- The additional hard surfacing would add to the saturation of land on both sides of the proposed road
- Where were the yellow publicity notices displayed?
- There would be easy access to the new road from Cherry Lane and use by unlicensed vehicles could become a problem
- Could the existing grass surface be levelled as an alternative, or other materials used such as plastic mesh which would allow rain to drain away safely.

The Officer clarified that the yellow site notices had been displayed in four locations these being, Cherry Lane, Bracken Road, Alongside the Green Lane Cycle Path and the Knavesmire Road entrance to the site. A Newspaper advert had also been placed in the Evening Press dated 20th June 2007.

Representations were received from the Applicant who said that the aim of the proposals was to improve the racing surface and to reduce the risk of having to abandon race meetings. There would be improved Health and Safety on the course and improvements to the service track.

Members asked the applicant if it was possible to tone down the colour or seek an alternative material for the service track and the applicant said that the present material had been chosen because it was the best for what they needed. The blackness would fade and blend in over time. The Applicant was asked if the installation of an improved drainage system would lessen the chance of having to abandon race meetings and he replied that it would. The water from the racecourse itself would be more quickly and effectively drained.

RESOLVED: That the application be approved subject to the conditions outlined in the report and the following additional condition.

1. Prior to the commencement of the development, details of the surface colour of the service track shall be submitted to and agreed in writing with the Local Planning Authority, and the proposed development shall be carried out in complete accordance with the approved details.

Reason: In the interests of visual amenity.

REASON: That, subject to the conditions outlined in the report and the above additional condition, the proposal would

not cause undue harm to interests of acknowledged importance, with particular reference to:

- Impact on the openness of the Green Belt
- Visual impact of service road

As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GB1 and HE2 of the City of York Local Plan Deposit Draft.

19e Oaklands Sports Centre Cornlands Road York YO24 3DX (07/01345/GRG3)

Members considered a General Regulations (Reg3) application submitted by City of York Council for extensions to the existing sports centre to provide swimming pool and associated facilities including additional car parking and associated plant. The application also seeks approval for a new canopy to the existing sports centre entrance.

Officers updated that Highway Network Management stated that due to current swimming facilities at the adjacent Edmund Wilson Pool on Gale Lane, vehicular traffic associated with the proposed facility is likely to already be on the highway network in the vicinity of the site. The peak periods of usage of the sports centre/pool facilities differ from the peak periods of traffic on the highway network and the peak operating hours of the schools which will further diminish the impact, in traffic terms, that the proposal would have on the network. As such Officer's views are that the proposal will not have a material impact on the surrounding highway.

The car parking as shown on the submitted plans is the total provision for all uses on the Cornlands Road site (school, sports hall and pool). The level of parking proposed is in accordance with City of York Council maximum standards.

York Consultancy were satisfied that there was sufficient information to approve the drainage element of the design.

Officers informed Members that the Applicant had responded to an objection received regarding viewing facilities in the following terms:

'The City of York Council's swimming facilities strategy identifies the need for one competition pool in York to include spectator/gallery seating to host swimming galas. The University development includes the construction of a community accessible competition standard pool to be built on the new campus. Provision of this pool is a condition within the University's Section 106 agreement. The strategy provides for facilities elsewhere in the city to be at a community level. The new Oaklands Pool is proposed to offer York residents a high quality swimming experience with enough spectator seating for general community use. The current design includes a viewing spectator area separate of the pool hall, behind a double glazed screen to offer maximum comfort.'

There were also amendments to condition 12 in the report (detailed in the resolution below) and two additional conditions regarding cycle storage and bike with trailer storage.

Members discussed a range of issues regarding the swimming pool including:

- The size of the hydrotherapy pool
- The spectator/viewing area
- The location of the disabled parking bays
- The depth of the main pool in comparison with Edmund Wilson pool
- Planting in the car park areas
- Dark sky lighting
- Sustainability features

Councillor Reid moved and Councillor Moore seconded a motion to approve the recommendation; on being put to the vote the motion was lost.

RESOLVED: That the application be deferred

REASON: To enable Officers to provide more details on spectator provision, depth of the main pool, size of the hydrotherapy pool, design details and other concerns raised.

COUNCILLOR T SIMPSON-LAING
CHAIR

The meeting started at 4.35 pm and finished at 7.20 pm.

MEETING	PLANNING COMMITTEE
DATE	27 SEPTEMBER 2007
PRESENT	COUNCILLORS R WATSON (CHAIR), SIMPSON-LAING (VICE-CHAIR), GREGAN, CRISP, D'AGORNE, FIRTH, SUE GALLOWAY, GALVIN, HORTON, HUDSON, JAMIESON-BALL, KING, MOORE, REID, B WATSON AND WISEMAN

20. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Reason for Visit	Members Attended
Land West of Manor Heath, Copmanthorpe	Due to objections received, and the application is recommended for approval	Cllrs R Watson, Hudson, Horton, B Watson, Reid, D'Agorne, Wiseman, Moore
OS Field 8800, Church Lane, Wheldrake	Due to objections received, and the application is recommended for approval	Cllrs R Watson, Hudson, Horton, B Watson, Reid, D'Agorne, Wiseman, Moore

21. DECLARATIONS OF INTEREST

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda.

Councillor Wiseman declared a personal non-prejudicial interest in Agenda Item 3a Site Lying to the West of Manor Heath Copmanthorpe York (minute 24a refers) as her husband owns land south of Colton Road.

Councillor Crisp declared a personal non-prejudicial interest in Agenda Item 5 Conservation Area Appraisal for proposed new conservation area ; "The Nestle/Rowntree Factory : Consultation Draft (minute 26 refers) as her son works for Nestle.

Councillor S Galloway declared a personal and prejudicial interest in Agenda Item 3b OS Field 8800 Church Lane Wheldrake York (minute 24b refers) as one of the plot holders is known to her, and left the room and took no part in the discussion or the decision thereon. She also declared a personal and prejudicial interest in Agenda Item 5 Conservation Area Appraisal for proposed new conservation area, "The Nestle/Rowntree Factory : Consultation Draft (minute 26 refers) as she receives a pension from Rowntrees, and left the room and took no part in the discussion or the decision thereon.

Councillor Cregan declared a personal interest in Agenda Item 5 Conservation Area Appraisal for proposed new conservation area, "The Nestle/Rowntree Factory : Consultation Draft (minute 26 refers) as he receives a pension from Rowntrees.

22. PUBLIC PARTICIPATION

It was reported that nobody had registered to speak, under the Council's Public Participation Scheme, on general issues within the remit of the Committee.

23. PLANS LIST

Members considered a schedule of reports of the Assistant Director (Planning and Sustainable Development), relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views and advice of consultees and officers.

23a Site Lying To The West Of Manor Heath Copmanthorpe York (07/01319/FULM)

Members considered a major full application, submitted by Professor Gareth Reece, for the development of an Eco-Park to include land formation, lakes, ponds, wetland, woodlands, paths, road, play-education-demonstration areas, an education centre to include a cafe, a farm shop, and a sustainability display area including alternative energy, recycling, composting and 4m high windmill.

Officers updated that objections had been received from North Yorkshire Police regarding the number of visitors, traffic issues, parking, access and egress to the site, hedging, bus stops and pedestrian access and speed limits.

Officers also updated that if Members were minded to approve the application they would recommend an additional condition regarding wind turbine, and a section 106 condition/informative regarding highway works.

Representations were received from a local resident in objection to the application. She raised issues regarding traffic problems at the entrance to the park, the provision of disabled parking places, car parking, and the position of the bus stop.

Representations were received from a speaker who welcomed the development, but had concerns regarding traffic, the facilities to be provided, any alternative use of the footie golf facility, and ecological issues.

Representations were received with comments regarding traffic implications for Copmanthorpe and for Manor Heath. This included access issues, speed limits and the problem of parking charges leading to visitors parking elsewhere.

Representations were received from the agent for the applicant in support of the application. He stated that the proposals provided learning opportunities to support education courses, and a variety of activities. With regard to traffic, an extensive report had been produced to the satisfaction of the highway department. He distributed a document with estimated visitor and vehicle numbers.

Members discussed car park charging, coach parking, sustainability issues, access arrangements, visitor and vehicle numbers, and security. They also raised concerns regarding mud on the highway and the routing of construction vehicles.

RESOLVED : That the application be approved subject to the conditions outlined in the report, and subject to the following amended condition, additional conditions and informative:

13 Prior to the commencement of any development on the site a management plan for the routing of construction vehicles shall be submitted to and approved in writing by the local planning authority. The aim of the plan shall be to ensure that vehicles are routed via Manor Heath and the A64/A1237 and not via Hallcroft Lane/Top Lane or through nearby villages and to detail matters such as instructions to drivers, signage and measures to ensure adherence to the approved plan.

Reason: In the interest of the amenities of the residents of Copmanthorpe and other nearby villages and in the interests of highway safety.

16 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (an archaeological excavation and subsequent programme of analysis and publication by an approved archaeological unit) in accordance with the 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 prior to destruction.

17 Prior to the commencement of the development, details shall be submitted for the written approval of the Local Planning Authority, showing the positioning, design and layout of bike and trailer storage.

Reason: In the interests of highway safety.

18 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 sound levels (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 amenity of local residents.

19 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:

1. New pedestrian crossing facilities to be formed at the junction of Manor Heath and Hallcroft Lane
2. New pedestrian/cycle crossing point on Manor Heath east of the main access
3. Provision of a new 2m wide footway on the south side of Manor Heath between the proposed access and the existing bus layby.
4. The extension of the existing 30 mph speed limit on Manor Heath to the A1237 to include the new access.
5. The trimming of foliage to the west of the proposed access within the highway embankment to a height maintained at less than 1.05 metres.
6. Provision of a right turn lane into the existing field access from Manor Heath.
7. Realignment of the eastern field boundary (currently formed by a hedge) to improve visibility splays.

Reason: In the interests of the safe and free passage of highway users and in the interests of providing sustainable transport options with policy T7c of the Development Control Local Plan.

Informative: The provision of improved highway facilities on Manor Heath could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution.

REASON : The proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to highway safety, impact on the Green Belt, neighbouring amenity, sustainability, landscaping and soil importation. As such the proposal complies with PPS1, PPG2, PPS7 and PPS9 and Policies GP4a, GB1 and GB13 of the City of York Development Control Draft Local Plan.

23b OS Field 8800 Church Lane Wheldrake York (07/01649/FULM)

Members considered a major full application, submitted by Chris Thackray, for the change of use from agricultural land to allotment gardens including associated sheds, new vehicular access, car parking, a composting toilet and a community equipment store.

Officers updated that seven further letters of objection had been received, with comments regarding the lack of time to comment on amendments to the scheme, bonfires on site, height of the border, pedestrian access on Church Lane, and a requested condition stating no livestock. These letters of objection were distributed for Members information.

Officers updated that if Members were minded to approve the application they would recommend an additional condition stating that an allotment management plan be produced to address environmental concerns, including a tenancy agreement.

Officers informed Members that if they were minded to approve the application, delegated authority would have to be given to Officers to do this as the consultation period was due to end on 3 October.

Representations were received in objection to the application from a speaker representing local residents. He distributed a petition with 23 signatures supporting his comments. He stated that no consultation had taken place, that there was no justification for the allotments in a village with a population of 1900, and that the development was disproportionate to the size of the village. He also commented on the inadequate screening, parking and speeding problems.

Representations were received in support of the application from the applicant. He stated that parking places had been allocated, that there would be no increase in traffic and the gates would be locked at night. The City of York Council allotment officer had been involved in the application and consultation with City of York Council had taken place regarding the vermin problem. Poultry would be confined to certain plots, and the applicant had consulted with neighbours.

Members discussed the issues of livestock on the allotments, hedge height, the burning of rubbish, tenancy agreement, landscaping, and the time of locking of the gates. They also discussed the availability of a community leisure facility, and the requirement for a management plan.

RESOLVED : That the application be delegated to officers to approve, subject to the conditions outlined in the report, and the following additional condition:

Prior to the first occupation of any allotment garden, there shall be submitted by the applicants for approval by the Local Planning Authority an allotment management plan that will seek to address all environmental concerns and in particular shall include a compulsory tenancy agreement. That plan and tenancy agreement shall remain operative at all times unless

and until either varied by the Local Planning Authority or the use of the site for allotment purposes either wholly or in part to that extent shall cease.

Reason: In the interests of visual and residential amenity

REASON : The proposal, subject to the conditions in the report and above, would not cause undue harm to interests of acknowledged importance, with particular reference to highway safety and residential amenity. Furthermore the development is considered to be compatible with its green belt location. As such the proposal complies with Policy E8 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GB1 and GP1 of the City of York Local Plan Deposit Draft.

23c Council Depot Foss Islands Road York YO31 7UL (06/02234/REM)

Members considered a reserved matters application, submitted by Wm Morrison Supermarkets, for an amendment to the external appearance of superstore previously approved by reserved matters application (04/03871/REM).

Officers updated on national advice on how to deal with retrospective applications and enforcement. Legal advice was given that a decision has to be made as to whether it would be expedient to take enforcement action, and the legal advice was that it was not.

Cllr B Watson requested that his vote against approval of this application was recorded.

RESOLVED : (i) That the application be approved;

(ii) That a letter be written by the Chair of this committee to the applicant, and copied to Government Office for Yorkshire and Humber, expressing their disapproval of having to consider this application and that the applicant had not complied with the approved plans.

REASON : (i) The proposal would not cause undue harm to interests of acknowledged importance, with particular reference to local visual amenity and the setting of the grade II listed building adjacent . As such the proposal complies with Policies E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GP1, GP3, GP4a ,GP11 and HE2 of the City of York Local Plan Deposit Draft.

(ii) To highlight the concerns of the committee.

24. YORK STRATEGIC HOUSING MARKET ASSESSMENT 2007

Members received a report which presented them with findings from the Strategic Housing Market Assessment 2007 (SHMA) undertaken by Fordham Research and, with reference to this comprehensive study of housing in York, highlighted key issues for the City of York Council to consider in progressing the current Local Development Framework programme and in assessing planning applications.

The key findings of the SHMA were detailed in paragraphs 14 – 50 of the report, covering population, current housing stock, housing costs by tenure, balancing housing markets, balancing supply and demand, housing need, rural issues, and particular needs.

Members discussed the consultation process and whether the Polish community had been involved in this, and were informed that a York Polish community representative was involved in the consultation process.

RESOLVED : That the use of the SHMA study for development control purposes be endorsed, in terms of agreeing the most appropriate housing tenure, size and type on individual sites, therefore replacing the 2006 SHMA study.

REASON : In order to help create mixed and balanced communities and to maximise opportunities for providing good quality affordable housing in the city.

25. CONSERVATION AREA APPRAISAL FOR PROPOSED NEW CONSERVATION AREA : "THE NESTLE / ROWNTREE FACTORY" : CONSULTATION DRAFT

Members received a report which requested that a draft character area appraisal describing proposals for a new conservation area relating to the former Rowntree factory site should be considered for approval for consultation purposes. This was attached as Annex A to the report.

The report presented three options:

Option 1 - To approve the draft document for consultation and to approve the method and range of the consultation.

Option 2 - To amend the draft document and/or change the method and range of the consultation process.

Option 3 - Do not approve the draft document.

The proposed Conservation Area Character Appraisal leaflet was distributed to Members for information. This was welcomed by Members as a comprehensive informative document.

Members discussed the conservation area assessment, the Memorial Library and its listed status and future use.

RESOLVED : That the Draft Conservation Area Appraisal be approved for the proposed new conservation area – The Nestlé / Rowntree Factory - for use as a consultation document using the consultation process detailed in the report.

REASON : The appraisal has adopted a rigorous approach to the assessment of the area under the terms set out in the approved Nestlé South Development Brief, and the document accords with known guidance for conservation area appraisals.
The consultation method and range accords with previous practice.

COUNCILLOR R WATSON
CHAIR

The meeting started at 4.30 pm and finished at 7.25 pm.

COMMITTEE REPORT

Committee: Planning Committee **Ward:** Dringhouses And
 Woodthorpe
Date: 25 October 2007 **Parish:** Dringhouses/Woodthorpe
 Planning Panel

Reference: 07/00752/REMM
Application at: York College Of Further And Higher Education Tadcaster Road
 Dringhouses York YO24 1UA
For: Reserved matters application for residential development
 comprising 360 dwellings after demolition of existing college
 (Resubmission)
By: George Wimpey Ltd, Shepherd Homes Ltd And Magna Holding
 Ltd
Application Type: Major Reserved Matters Application (13w)
Target Date: 2 July 2007

1.0 PROPOSAL

1.1 Members may recall that consideration of this application was deferred at the meeting of the Planning Committee held on 26 June 2007, for the following issues to be considered by the developer:

- the siting, massing and height of the proposed dwellings along the northern boundary
- flooding
- maintenance and ownership of ditches
- height of the proposed dwellings
- cycle and bin storage
- issues relating to gating of alleyways and the ownership of gates
- the civil dispute regarding the wall
- affordable housing (still in negotiation when the application was considered)
- tree planting along the northern boundary
- car club membership

Revised drawings and further information in relation to drainage have now been submitted by the applicant for further consideration. This is considered under the above headings in the "Appraisal" section of the report at Section 4 below. As many of the relevant issues have not changed since the application was originally considered, a copy of the previous report to Committee is attached for information.

1.2 A site visit has been requested by Councillor R. Moore to allow the site to be viewed from the grounds of St. Leonard`s Hospice, so that members can assess the potential impact of the proposed cycleway and open space resulting from its proximity to the site boundary.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYH1
Housing Allocations

CYGP1
Design

CYGP3
Planning against crime

CYGP9
Landscaping

CYNE1
Trees, woodlands, hedgerows

CYNE7
Habitat protection and creation

CYT2
Cycle pedestrian network

CYT4
Cycle parking standards

CYT7
Promotion of public transport services

CYH2
Affordable housing on housing sites

CYED4
Developer contributions towards Educational facilities

3.0 CONSULTATIONS

3.1 INTERNAL

HIGHWAYS

The revised cycle parking arrangements shown on the drawings are now acceptable. The previously recommended conditions should be attached to any approval. These are:

- cycle parking to be provided in accordance with the approved details
- car and cycle parking to be laid out prior to occupation
- adopted road layout to be agreed prior to commencement
- no gate to open out over the public highway
- measures to prevent mud on the highway during construction
- dilapidation survey of adjacent highways to be carried out
- method of works statement to be agreed prior to commencement

LANDSCAPE ARCHITECT

There are no changes that increase the separation between the existing pond and the housing, or increase the distance between the mature Oaks and the housing, or improve the amenity of the blocks of flats, therefore I have little further to add to my previous comments. However, in this respect, I do recognise that the density of development that was approved at outline stage places a huge restriction on what can be achieved. In light of this there are some minor improvements to the revised scheme, i.e. the LAP is marginally larger and the housing density to the north west of this is reduced, which slightly improves the situation for the long term retention of the existing trees along the northern boundary.

STRUCTURES AND DRAINAGE

The applicant's revised drainage strategy appears to be largely unchanged since their last submission, apart from some additional land drainage works in the vicinity of No.66 Lycett Road.

The remaining outstanding issue appears to be the culverting of the ditch along the boundary with Lycett Road. There are pros and cons for each, as follows:-

Culverting:- reduces maintenance due to fallen leaves / debris, but also reduces flood storage

Re-ditching:- higher maintenance and increased depth of ditch (and water during flood), but retaining maximum flood storage.

Either option would be acceptable to us, but since the EA have asked for the ditch to be retained, this would be preferable. The additional 'cuts' could still be made from existing properties into the ditch to improve the drainage from the gardens.

HOUSING DEVELOPMENT CO-ORDINATOR

This is the comment of HASS on the application with the revised affordable housing as offered on 10th October 2007.

The affordable housing provision is now satisfactory subject to the final agreement of the car parking provision for the flats.

This application is being determined on the basis of the council's affordable housing policy and Advice Note pre-13 April 2005 and the S106 agreement for the outline permission. Thus the relevant basis for consideration is:- 25% of dwellings to be affordable pro rata across the site, type and size; of the affordable homes, 70% to be for social rent and 30% for discount for sale. Affordable homes to be pepper-potted across the site on the basis of the advice note and S106 agreement.

Commentary

This major windfall site will provide 90 much needed affordable homes. There will be 58 houses of 3, 4, and 5 bedrooms and 32 flats, all of 2 bedrooms with 3 different types. There are no 2 bed-roomed houses and relatively few 3 bed-roomed houses on the site as a whole.

The distribution amongst the 21 types of new house and new flats is representative of total provision on the site with a greater proportion of affordable 3 bed houses than required using the pro rata principle which is welcome. There are less flats in the affordable provision than proportionally across the site.

The site produces a significant number of large, affordable, family homes that are in very short supply across the area and not well represented in the stock of implementing and unimplemented permissions across the area.

The affordable homes are pepper-potted across the site on the basis of the S106 agreement which does not allow more than 2 affordable homes together. This produces a very acceptable distribution for the flats and the houses.

The application can now be supported by HASS as satisfying the affordable housing policies and advice note.

The proposed provision can be illustrated as follows:

Size-type / analysis	Total number on site	% of total site provision	Affordable offer = % of type	Tenure distribution of affordable homes target			
				70%		30%	
				R	R%	dS	dS%
1 bed flat	2	0.5555	0 = 0%	0	0	0	0
2 bed flat	128	35.5555	32 = 25.000%	22	69%	10	31%
Total flats	130	*36.111%	32 = 24.615% *equals 35.556% of all affordable				
2 bed house	0	0	0 = 0%	0	0	0	0
3 bed house	16	4.53	6 = 37.500%	4	67%	2	33%
4 bed house	149	41.389	38 = 25.503%	27	71.05%	11	28.95%
5 bed house	65	18.056	14 = 21.538%	10	71.43%	4	28.57%
6 bed house	0	0	0 = 0%	0	0	0	0
Total houses	230	63.889%	58 = 25.217% equals 64.444% of all affordable				

3.2 EXTERNAL

DRINGHOUSES AND WOODTHORPE PLANNING PANEL

(i) The letter from the agent states that the civil dispute over boundaries in the Lycett Road area have been resolved. Despite this the revised plans still show the original boundary. This must be rectified by the production of a revised plan showing the correct line of the boundary. Failure to do this could result in legal action in the future as the plans would have been approved by the Planning Committee with incorrect boundary lines shown.

Officers comment: A decision to grant planning permission would not override any agreement, whether legal or otherwise, relating to the location of the boundary, irrespective of where it is shown on the drawing.

(ii) We are not satisfied with the disposal of storm water from the site as it is unclear where this will run off. A Yorkshire Water representative should be present at the meeting to explain its disposal and re-assure Members that no flooding affecting the area will occur.

ENVIRONMENT AGENCY

The drainage system on the site is designed to a 1 in 30 year storm with consideration for a 1 in 100 year storm, plus climate change, to ensure that the system could cope with this event without causing flooding problems to the site or adjacent properties. This is in line with Government guidance in the form of Planning policy Statement 25: "Development and Flood Risk".

We are aware that a large amount of recent flooding was through insufficient drainage designs as many of the older systems are only designed to manage a 1 in 30 year storm. Whilst we accept that the new system will formalise the drainage on site and should improve the ponding on the site we have some concerns regarding the culvert on the northern boundary. As the new houses are to be higher than the existing gardens on Lycett Road it is natural that some of the surface water run-off will flow from the houses to the back, rather than the front where the new drainage system is located. This would be into the gardens of the properties on Lycett Road. The drainage plan includes the culverting of a small ditch on the northern boundary.

To culvert this ditch, even with the granular fill surround will still reduce its capacity and in heavy rainfall events the flow will just run to the lowest ground. The granular fill and the culvert itself would require regular maintenance to achieve maximum efficiency, which is unlikely if it is owned by all individual property owners.

We have a policy against culverting of watercourses as it reduces the capacity and destroys habitat. If possible the ditch should be maintained as a swale as it would be easier to keep clear of debris and should provide more capacity in the case of a heavy rainfall event. The drainage details should be written into the deeds of the new houses to inform the new residents of the importance of the system and the maintenance involved.

LOCAL RESIDENTS

10 letters have been received from local residents, making the following points:

1. York College is an important and prominent site and provides an opportunity for an imaginative and innovative development.
2. The submitted scheme is very ordinary and has no community facilities.
3. There is scope to provide more green areas by grouping garages together.
4. The use of materials other than brick throughout would be visually more attractive. Some of the house types are out of character with no features of interest.
5. What is proposed is a housing estate, built using similar materials and with an unimaginative layout.
6. No improvements are proposed to deal with the extra traffic the proposed development would generate.
7. The four storey apartments will be directly opposite two storey properties in Ashfield Court, which will not be in proportion and will be overbearing and not attractive to look at.
8. The development is likely to result in surface water draining towards Lycett Road and flooding existing houses and gardens.
9. Although it is proposed that the site will be positively drained, water could back up the ditch/land drain with consequential flooding of properties in Lycett Road.
10. The capacity of the new land drain along the northern boundary will be less than the existing ditch, thus exacerbating the situation.
11. Maintenance of the ditch will fall on the riparian owners (i.e. the new residents) which would make future maintenance difficult when so many owners are involved.
12. Responsibility for the outfall from the ditch along the eastern boundary has not been clarified.
13. Although an allowance has been made for climate change in the drainage calculations, recent events have demonstrated a need for even greater allowances for surface water drainage.
14. The dwellings on plots 149 to 152 are too close to the boundary, resulting in loss of privacy. The three large two storey houses have been replaced with four 2.5 storey houses.
15. This is made worse by the fact that no trees can be planted along the boundary due to the proposed new land drain.
16. All of the previous concerns in relation to proximity, overlooking, loss of privacy, overbearing impact, loss of light etc have been increased.
17. The properties on these plots have rooflights overlooking the Lycett Road properties.
18. Changes have been made to the properties abutting Middlethorpe Drive where existing gardens are much longer. The same principle should be applied to Lycett Road where garden depths are at their minimum.
19. The situation is infinitely worse than before and applicant appears to have disregarded all of the comments made previously.
20. Paving and hard surfacing of the gardens by future occupiers can be carried out without planning permission and the statement that gardens will absorb excess water may not be accurate.

21. Whilst the change of house type on plot 148 is welcomed, the clearance from the oak trees has been reduced and the distance from the northern boundary remains the same.
22. The revised layout has made the situation worse for some residents and no consideration has been given to the request to site the houses at a greater distance from the northern boundary
23. The dwelling on plot 212 abuts the boundary wall which will greatly reduce privacy and outlook. As has been stated previously, a garden to garden relationship would be far preferable.
24. Strong objections are raised to the loss of mature trees. New planting will not adequately compensate for this loss and the site will be less "green" as a result.
25. Since the new college opened traffic leaving town frequently backs up to the Tesco roundabout, which is without the additional traffic the development will create.
26. The site boundary has been shown in its original position, notwithstanding the fact that the developer has agreed to transfer the "disputed" land to the adjacent residents.
27. Written confirmation should be provided that the existing wall will remain and will be maintained.
28. Although the house types along the northern boundary with Middlethorpe Drive have changed, the setting in terms of garden space shows little improvement.
29. The majority of the new houses still have accommodation on three floors and are thus effectively three storey. This is in breach of the informative attached to the outline planning permission.
30. The existing brick wall along the boundary with Middlethorpe Drive should be retained by a planning condition.
31. It is hoped that the promise of placing a Tree Preservation Order on the remaining trees will be kept, in order to prevent the removal of trees by future residents.

A letter has also been received from St. Leonard's Hospice stating the following

1. The letter states that the comments are made in good faith, recognising that the Hospice does not have planning, building or drainage expertise on its staff and cannot afford to pay for external advice.
2. Concern is expressed at the proximity of the footpath to the Hospice boundary, with the likelihood of significant "traffic", noise and security problems. Has the issue of security, lighting, CCTV, screening and banking been taken into account?
3. Will the proposed drainage system be adequate, given recent rainfall events, and not result in additional water draining onto the Hospice site.

4.0 APPRAISAL

4.1 Key Issues

Consideration of the application was deferred at the meeting held on 26 June for the following issues to be considered by the developer:

- the siting, massing and height of the proposed dwellings along the northern boundary
- flooding
- maintenance and ownership of ditches
- height of the proposed dwellings
- cycle and bin storage
- issues relating to gating of alleyways and the ownership of gates
- the civil dispute regarding the wall
- affordable housing (still in negotiation when the application was considered)
- tree planting along the northern boundary
- car club membership

SITING, MASSING AND HEIGHT OF PROPOSED DWELLINGS ALONG NORTHERN BOUNDARY

4.2 The originally submitted layout included 10 three storey dwellings (terraced and semi-detached) and a detached two storey (with a bedroom in the roof) along the northern boundary of the site adjacent to existing properties in Middlethorpe Drive. The three story dwellings incorporated kitchens/breakfast areas at first floor level. Concerns were raised that properties of this nature would result in unacceptable overlooking and loss of privacy to the properties in Middlethorpe Drive. These have now been substituted with 9 detached dwellings, two of which would be 2.5 stories in height, with the remainder being two stories. (N.B. for the sake of clarity, a "storey" has been taken as defining the eaves height of the dwellings in question).

4.3 All of the dwellings would incorporate bedroom accommodation either partially or totally within the roof space. However, where rooflights have been incorporated, they would be at such a height (approx 1.5 metres above floor level) that overlooking would be unlikely to occur. All of the house types would have a conventional internal layout, with bedrooms and bathrooms at first floor level and the principal living accommodation (living rooms, dining rooms and kitchens) on the ground floor. Separation distances to the existing dwellings in Middlethorpe Drive are generous, with minimum rear garden depths of 15 metres, and total separation distances ranging from 40 metres to 53.5 metres. Members may also recall that there is a significant degree of tree cover along this boundary, the majority of which would be retained, providing screening between the existing and proposed dwellings. It is considered that this part of the revised layout has satisfactorily addressed the previous concerns in relation to proximity, overlooking and loss of privacy.

4.4 Concern was also expressed in relation to the "gable end" relationship of a number of the proposed dwellings to existing properties in Middlethorpe Drive and Lycett Road. This has been partially addressed through the introduction of a new house type (the "Charlecote"), the design of which incorporates a hipped roof. This

dwelling is of conventional two storey design (with no rooms in the roof), with a ridge height approximately 0.8m to 1.4 metres less than the house types it would replace. In addition, the width of the side wall facing the boundary would be approximately 1m less than would have previously been the case. Whilst this does not completely address the concerns raised previously, it is considered that the relationship of the proposed dwellings to the existing adjacent properties is acceptable, particularly bearing in mind many of the generous separation distances involved.

4.5 Adjustments to the layout have also been made to plots 149 to 152, where the three detached dwellings previously proposed have been substituted with four detached dwellings. This is not necessarily regarded as an improvement, as some of the rear garden depths have actually been slightly reduced. However, the minimum garden depth would be approximately 10 metres, and total separation distances would range from 26 metres to 33 metres, which is considered to be acceptable in the case of a "garden to garden" relationship. The dwelling on plot 148, in the southeast corner of the site adjacent to 66 Lycett Road, has also been changed to a "Charlecote" house type, providing a better relationship as described above in para 4.4. above. These comments are made notwithstanding the increase in ground levels proposed in order to accommodate the proposed drainage system. This would be at its greatest in the southeastern corner of the site, where the finished floor level of plot 148 would be approximately 1 metre above the existing ground level, However, the dwelling on plot 148 would be approximately 5 metres from the boundary, with a minimum separation of approximately 27 metres from 66 Lycett Road. The difference in levels (between existing and proposed) generally reduces from east to west across the site.

4.6 No changes have been proposed to the layout adjacent to the boundary with St.Leonard`s Hospice, where the required cycle path link between Tadcaster Road and Green Lane would be located as part of a linear open space running along the southern boundary of the site. A drainage easement in this location would create significant difficulties in altering the layout of the site in this location. However, the layout does incorporate a landscaped bund/buffer between the cycle path and the boundary at this point, which could be enhanced with appropriate planting in order to minimise any security/noise issues that may otherwise arise.

4.7 The amendments to the site layout have resulted in minor changes to the house type mix throughout the site, which would now be as follows:

Dwelling Type	Number	Total	
Detached	133	133	(36.94%)
Semi-detached	5	10	
3 Block terrace	7	21	
4 Block terrace	11	44	
5 Block terrace	1	5	
6 Block terrace	2	12	
Apartments	128	128	(35.55%)
Ashfield House	7	7	
		360	

The ratio of detached houses has increased from 35.83% to 36.94%; the ratio of apartments remains the same at 35.55%.

FLOODING

4.8 The applicant's drainage consultant has submitted a supplementary statement explaining the proposed drainage system for the site. This explains that the rate of discharge from the site (to the public sewerage system) will be controlled so as not to exceed existing peak flows. Storm water in excess of the controlled rate will be stored in oversized pipes forming part of the drainage system, which would also be released at a controlled rate as the storm subsides. The drainage system has been designed to cater for a 1 in 100 year event with an allowance for climate change. The public open space in the southeastern corner of the site may flood during an extreme event, but this will ensure that excess storm water will not run off onto neighbouring land. All mains drains will be adopted by Yorkshire Water.

4.9 The statement makes a clear distinction between "flooding" and localised surface "ponding", as has been observed on a number of occasions, including during the site visit on June 25. The flood risk assessment for this site (accepted by both the Environment Agency and City of York Council) concludes that the site is not located within a flood risk zone. Subsequent investigations have concluded that there is no link between flooding from the River Ouse and the incidents of surface "ponding" observed on the site. The nature of the ground and the slope of the site results in water collecting at the lowest point (i.e. the southeastern corner) from where it is slow in draining away. The effect of the development, with a new positive drainage system, will be to re-direct a substantial proportion of the run-off from the site to the public sewer at a controlled rate. Hence, the statement concludes, there will be a net improvement in the existing situation and water will not be able to accumulate on the site to any significant depth.

4.10 The main drainage system will be adopted and maintained by Yorkshire Water. Maintenance of the land drainage works, including the culverted ditch along the northern boundary will fall to riparian owners through provision in the deeds. The existing ditch system beyond the northeast corner of the site will also fall within riparian responsibility as is the case at present. Land drainage, the report states, is covered by legislation which makes the owners of land through which drains, culverts and ditches pass responsible for maintenance, repair and dealing with problems affecting the drainage rights of others. It is intended that some areas, including the pond and public open space areas, will be taken over and maintained by City of York Council.

4.11 A number of concerns have been expressed by local residents (in particular in Lycett Road), in particular that any raising of levels on the application site will remove any storage capacity available at present and would worsen the problems of ponding within the gardens. The report considers that the positive drainage system proposed will have a beneficial effect in removing a substantial element of run-off that contributes to the present problem. The proposed increase in levels is necessary to protect the proposed houses from flooding and to ensure that surface water will drain to the new piped system rather than accumulating at the lower end of

the site as occurs at present. The proposed pipes in the existing ditch, whilst reducing the volume of storage available, would facilitate the provision of a maintainable drain. The filter material around the proposed culvert can be extended to a positive drainage route away from the area at the bottom of the gardens. Improvements will also be carried out to the ditch along the southeastern boundary as part of the development work, including cleaning out, CCTV survey of existing pipes and a new inlet to the piped section.

4.12 The Environment Agency have stated that they would prefer the ditch to be retained as a "swale" rather than be piped in, as this would have the effect of reducing the storage capacity of the ditch. The Council's Structures and Drainage Engineer has commented that there are advantages and disadvantages to either option. Culverting the ditch would reduce maintenance due to fallen leaves and other debris, but also reduces flood storage. Re-ditching would result in increased maintenance with an increased depth of ditch (and water during flood), but would retain maximum storage. The conclusion is that either option would be acceptable, but as the Environment Agency would prefer the ditch to be retained, this option would be preferable. The response of the applicant to the comments of the Environment Agency are awaited.

4.13 It is important to note that outline planning permission has been granted for the development of the site, establishing the principle of the proposal, with a condition requiring drainage details to be agreed. If an acceptable drainage solution is offered by the applicant, particularly one to which no objections are raised by the Environment Agency or the Council's Structures and Drainage Engineer, it would be unreasonable for the Council to refuse the "reserved matters" application on drainage grounds.

CYCLE AND BIN STORAGE

4.14 The cycle and bin storage provision for the proposed apartments has been comprehensively redesigned, and has been incorporated into the design of the apartment blocks. Thus there are now no detached storage buildings within the car parking area, resulting in more convenient locations for these facilities than was previously the case. Highways officers have examined the new proposals and raise no objections in this respect.

ISSUES RELATING TO ALLEYWAYS AND OWNERSHIP OF GATES

4.15 There are a small number of alleyways within the development providing access to the rear of some of the plots. It is considered that any security issues can be addressed by an appropriate condition, requiring details of the security arrangements to be submitted and approved. These could include the use of lockable gates in agreed locations, with keys being issued only to the relevant property owners/occupiers for access purposes.

THE CIVIL DISPUTE REGARDING THE BOUNDARY WALL

4.16 A number of residents in Lycett Road claimed possessory title of a narrow strip of land, running parallel to the northern boundary of the site, which is shown to form

part of the application site. This area of land is defined by a brick boundary wall and has been used as garden by the individual property owners for a number of years. Members will be aware that such disputes are a civil matter and are not relevant to the consideration of the application. However, the applicants agent has confirmed that the civil dispute has been resolved as both George Wimpey and Shepherd Homes have now agreed that this land can be transferred to the adjacent residents. Legal arrangements for this to proceed are in the process of being put into place.

AFFORDABLE HOUSING

4.17 The Section 106 Agreement forming part of the outline consent stipulates that a minimum of 25% of the dwellings in both number and type (including number of bedrooms, cycle and car parking spaces) shall be "affordable", with 70% of that total being offered for rent and the remainder for discounted sale. It should be noted that the submission of an affordable housing plan is not a reserved matter and could be dealt with separately under the terms of the Section 106 Agreement. However, the affordable housing offer has been re-negotiated as a result of changes to the site layout and the mix of house types within the development, and a scheme that is now acceptable to the Council's Housing Development Co-ordinator has been submitted, subject to final agreement of the parking provision for the flats. Full details of the scheme are included in the "Consultations" Section of the report .

TREE PLANTING ALONG NORTHERN BOUNDARY

4.18 The retention of the original "side wall to boundary" arrangement has prevented any opportunity to provide any substantial additional planting along the northern boundary. However, no additional trees would be lost as a result of the revised layout. In addition, the reduction in the density of development adjacent to Middlethorpe Drive will be likely to be beneficial in terms of the existing tree cover along this boundary, which performs a valuable screening function. As was indicated in the previous report, the remaining mature trees within the site will be surveyed and made the subject of a Tree Preservation Order to secure their retention.

CAR CLUB

4.19 A financial contribution towards the establishment of a car club was not a condition of the outline planning permission. If implemented, the cost for a development of this size would be £57,600 for a development of this size, which in the circumstances is considered to be unduly onerous. The application site is close to the Askham Bar park and ride site, and the developer is making substantial financial contributions (£53,160) through the original Section 106 Agreement for the establishment and future maintenance of a cycle link between Tadcaster Road and Green Lane, part of the national cycle network.

5.0 CONCLUSION

5.1 Although the revised layout does not address all of the concerns expressed previously, a number of significant changes have been incorporated, in particular the removal of the three storey properties adjacent to Middlethorpe Drive, the

introduction of a more neighbourly hipped roof house type along the northern boundary, and comprehensive amendments to the cycle and bin storage arrangements. In addition, the applicants drainage consultant has submitted a more comprehensive explanation of how the proposed drainage system will work. The layout of the site is affected by a number of constraints and parameters, including the need to achieve the "target" yield of 350 dwellings on the site, as set out in the Draft Local Plan (the master plan submitted with the outline application included 360 dwellings and this has been followed through to the reserved matters application now submitted), the need to provide a fixed area of public open space within the development, the requirement to provide a cycleway link through the site, the sewer easement running close to the southern boundary, and the desirability of providing a mix of house types on a development of this size, including a reasonable proportion of dwellings designed for family occupation.

5.2 The layout of the site closely follows the master plan submitted with the outline application, but takes into account a number of concerns that were raised at that time. It is considered that the layout and design of the development, as an overall package, is reasonable bearing in mind the above constraints. In particular, the development achieves a good proportion of detached and family homes (approximately 35% and 65% respectively), set within an environment providing four principal areas of public open space, each with a different character and function. The relationship of the new properties to adjacent occupiers is considered to be acceptable, providing separation distances that comply with accepted standards. It is concluded that the proposed development would provide a satisfactory living environment for the new residents, whilst fulfilling the more general obligations and requirements set out in the original outline planning permission and accompanying Section 106 Agreement.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 VISQ8 Samples of exterior materials to be app

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

Drawing no. 1950-100 rev X (site layout plan) received on 20 August 2007

House type drawings nos. 1950-106 to 1950-125 inclusive, 1950-128 to 1950-141 inclusive, 1950-144 to 1950-153 inclusive, 1950-158 and 1950-156 (garages).

Drawing no. FF428/02 rev E (existing trees to be removed) received on 23 August 2007

Drawing no. FF428/01 rev E (landscape scheme)

Drawing no. 131/Block 1&2 cycle and bin store received on 20 August 2007

Drawing (un-numbered) Proposed attached bin store - plans received on 20 August 2007

Drawing (un-numbered) Proposed attached bin store - roof layout received on 20 August 2007

Drawing no. 27684/003 Rev J (Drainage Strategy Plan) received on 23 August 2007
Drawing no. 27684/004 Rev H (Proposed Site Levels) received on 23 August 2007
Drawing no. 27684/005 Rev J (Storm Water Attenuation System) received on 23 August 2007
Drawing no. 27684/010 Rev C (Proposed Pipe System along North East Boundary) received on 23 August 2007
Drawing no. 4132/08 (Proposed Site Plan - Ashfield House) received on 2 April 2007
Drawing no. 4132/05 (Proposed Plans - Ashfield House) received on 2 April 2007
Drawing no. 4132/06 (Proposed Plan and Elevation - Ashfield House) received on 2 April 2007
Drawing no. 4132/07 (Proposed Elevations - Ashfield House) received on 2 April 2007
Drawing no. 4132/09 (Proposed Garage Elevations - Ashfield House) received on 2 April 2007
Scheme for Tree Retention and Protection received on 2 April 2007
Sustainable Construction received 2 April 2007
Drainage Strategy and Flood Risk rev D received on 1 June 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 Details of all means of enclosure to the site boundaries (including details of any features that are to be retained) 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 first occupied.

Reason: In the interests of the privacy and amenity of existing and future residents.

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no additional openings to those shown on the approved plans shall at any time be inserted in the north/north east elevations of the dwellings on plots 148, 153, 168, 217, 224, 225, 231 and 232 without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenity and privacy of occupants of adjacent residential properties.

5 All windows to be inserted in the north/northeast elevations of the dwellings on plots 148, 224, 225, 231 and 232 shall be obscure glazed and thus maintained at all times.

Reason: In the interests of the amenity and privacy of occupants of adjacent residential properties.

6 HWAY18 Cycle parking details to be agreed

7 HWAY19 Car and cycle parking laid out

8 HWAY27 Adoptable road layout to be agreed

9 No gate shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

10 HWAY31 No mud on highway during construction

11 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 the approved plans, or arrangements entered into which ensure the same.

Traffic Regulation Order to prevent parking along the access road into the site.

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

12 Prior to the commencement of any works, a detailed method of works statement shall be submitted to and agreed in writing with 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 scheme of landscaping and tree planting shown on Drawing No. FF428/01 Rev E received by the Local Planning Authority on 23 August 2007 shall be carried out in its entirety within the period of twelve months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be adequately maintained for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason: In the interests of amenity and the provision and maintenance of landscaping measures on the site.

14 Not later than twelve months following the date of commencement of the development, or within such longer period as may be agreed in writing with the Local Planning Authority, screen walls, fences and hedges shall be provided in the locations shown on the approved layout plan (Drawing No. 1950-100 Rev X) and in accordance with the submitted details.

Reason: To provide a satisfactory appearance to the development in the interests of amenity.

15 Prior to the commencement of work on the conversion of Ashfield House, details of all extract vents, flues and soil pipes shall be submitted to and approved in writing by the Local Planning Authority. All work shall be carried out in accordance with the approved details, and no variation shall be permitted to take place without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity.

16 All works and ancillary operations during construction and demolition including deliveries to the site shall only be carried out between the hours of 08.00 and 18.00 Mondays to Fridays and 09.00 to 13.00 on Saturdays and not at all on Sundays and Bank Holidays.

Reason: To protect the amenity of nearby residents.

17 At the soonest available opportunity, and in any event prior to the completion of the development, the developer shall submit a completed "Sustainable Design and Construction" statement for the development. The developer shall aim to achieve an Ecohomes "Very Good" rating or the equivalent standard under the Code for Sustainable Homes, and if this is not achieved, the developer shall demonstrate the changes that will be made to the development in order to achieve this standard.

Reason: In the interests of sustainable development.

18 Prior to the occupation of any dwelling on the site, details of security arrangements for the rear access alleyways shown on the approved layout drawing no. 1950-100 Rev S shall be submitted to and approved in writing by the local planning authority. The approved arrangements shall be incorporated into the development in their entirety.

Reason: In the interests of adequate security and the prevention of crime.

19 No development shall commence unless and until details of provision for the future maintenance of the public open space within the site, or alternative arrangements, have been submitted to and approved in writing by the Local Planning Authority. The public open space shall then be maintained in complete accordance with the approved scheme, or the alternative arrangements agreed in writing with the Local Planning Authority.

Reason: In order to ensure that adequate arrangements are in place for the future maintenance of the public open space, in the interests of amenity of future occupiers of the proposed development.

Informative: The alternative arrangements referred to in the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning act 1990 by those having a legal interest in the application site, requiring a financial contribution to be paid to the Council towards

the future maintenance of the open space. The obligation should provide for a financial contribution calculated at £200,000.

20 Prior to the commencement of the development, a scheme shall be submitted for the written approval of the Local Planning Authority to secure the identification, conservation and re-erection/preservation of the following on-site features:

- the ice house located at the rear of 32/34 Middlethorpe Drive, in the vicinity of plots 225, 226, 230 and 231
- the weather vane on the outbuilding adjacent to Ashfield House

Reason: In order to ensure that the features of local historic importance referred to are adequately preserved.

7.0 INFORMATIVES: Notes to Applicant

1. 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:

- layout and design of the development
- impact on adjacent occupiers
- planning out crime
- sustainability
- landscaping/tree loss
- nature conservation
- highway safety/car parking
- affordable housing/mix of house types
- public open space provision
- education provision
- drainage
- archaeology
- noise, vibration, dust, contamination

As such the proposal complies with Policies H1, H5, GP1, GP3, GP9, NE1, NE7, T2, T4, T7, H2 and ED4 of the City of York Local Plan Deposit Draft.

2. 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:

Consent for highway works

- adoption of highway - Section 38 - Stuart Partington (01904) 551361/Michael Kitchen (01904) 551336

- works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

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.

4. In addition the attention of the developer should be drawn to the following to minimise noise and dust nuisance from construction works, to nearby residents.

(i) 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".

ii) 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.

iii) 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.

iv) 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.

v) Any asbestos containing materials shall be removed by licensed contractors to a licensed disposal site.

vi) There shall be no bonfires on the site.

5. The developer is urged to work in partnership with the Police and Local Authority in trying to reduce crime by considering the Police "Secured by Design" Award Scheme for this site. Full details and an application form for the scheme can be found on www.securedbydesign.com.

Secured by Design is primarily an initiative to encourage the building industry to adopt crime prevention measures to assist in reducing the opportunity for crime and the fear of crime, creating a safer and more secure environment. Secured by Design supports one of the Government`s key planning objectives - the creation of secure, quality places where people wish to live and work

Contact details:

Author: Simon Glazier Area Team Leader

Tel No: 01904 551642

COMMITTEE REPORT

Committee: Planning Committee **Ward:** Dringhouses And Woodthorpe
Date: 26 June 2007 **Parish:** Dringhouses/Woodthorpe Planning Panel

Reference: 07/00752/REMM
Application at: York College Of Further And Higher Education Tadcaster Road Dringhouses York YO24 1UA
For: Reserved matters application for residential development comprising 360 dwellings after demolition of existing college (Resubmission)
By: George Wimpey Ltd, Shepherd Homes Ltd And Magna Holding Ltd
Application Type: Major Reserved Matters Application (13w)
Target Date: 2 July 2007

1.0 PROPOSAL

1.1 Outline planning permission for the erection of residential development on approximately 9.4 ha of land at the Tadcaster Road site of York College was granted by the Council in July 2005. The College occupies two separate sites, one at Tadcaster Road and one a short distance away at Sim Balk Lane, with associated playing fields on land to the east. The outline application for the redevelopment of the Tadcaster Road site for residential purposes was submitted in conjunction with a proposal to erect a new, single college building on the Sim Balk Lane site, together with the provision of new sports pitches on the land to the east. Planning permission has subsequently been granted for the new college building and associated sports pitches, and work is now well advanced on the development.

1.2 The application site has a relatively narrow frontage to Tadcaster Road, with access taken from the roundabout which also serves the Askham Bar Park and Ride site and Tesco's supermarket. The northern boundary of the site abuts the rear gardens of established residential properties in Middlethorpe Drive and Lycett Road, with the eastern and most of the southern boundary abutting open, undeveloped land, that to the east being within the ownership of the college. Part of the southern boundary, close to Tadcaster Road, abuts the curtilage of St. Leonard's Hospice and also the Yorkcraft workshop operated by the City of York Council.

1.3 Although only the means of access to the site was considered at the outline application stage, that application was accompanied by an indicative "master plan" layout comprising 360 dwellings with associated access roads, public open space and landscaping, giving a density of approximately 40 dwellings per hectare. The "reserved matters" application now submitted follows the basic principles laid down in the indicative master plan, and also relates to the erection of 360 dwellings on the site. As indicated on the master plan, all existing buildings on the site are to be demolished apart from Ashfield House, an unlisted building of some architectural

merit located on the Tadcaster Road frontage of the site, which would be retained and converted into five dwellings and two apartments. The overall layout adheres to the master plan by locating high density apartments at the Tadcaster Road end of the site, where the character of the area is more urban, with a medium density mix of town houses, semi-detached and detached properties in the centre of the site, and low density detached dwellings located on the open land at the eastern end of the site where the character of the area is more suburban/rural.

1.4 The layout includes two areas of public open space in the approximate locations shown on the master plan, one incorporating an attractive group of trees at the western end of the site, and the other formed around a pond occupying a landscaped setting to the east of the existing college buildings. A further area of public open space would be located on approximately 0.96 ha of land owned by the college immediately to the southeast of the development, the provision of which was included within a Section 106 Agreement forming part of the outline planning permission. As part of this area is occupied by car parking and temporary structures associated with the college, a separate planning application has been submitted for its change of use to public open space, which is also included on this agenda. The Section 106 Agreement also contained a number of other legal obligations, which are referred to in more detail elsewhere in this report. The site is not within a conservation area and there are no listed buildings in the immediate vicinity of the site.

1.5 This is the second "reserved matters" application relating to the site, the first of which was submitted on 1st November 2006. This application was subsequently withdrawn at the end of January 2007 after it became clear that a number of outstanding issues could not be addressed within the statutory 13 week period for determining the application.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYH1
Housing Allocations

CYGP1
Design

CYGP3
Planning against crime

CYGP9
Landscaping

CYNE1
Trees, woodlands, hedgerows

CYNE7
Habitat protection and creation

CYT2
Cycle pedestrian network

CYT4
Cycle parking standards

CYT7
Promotion of public transport services

CYH2
Affordable housing on housing sites

CYED4
Developer contributions towards Educational facilities

3.0 CONSULTATIONS

3.1 INTERNAL

HIGHWAYS

Cycle Parking Provision

It is noted that individual cycle storage units with capacity for 8 and 10 cycles are now to be provided. However, the proposed access arrangements, in the form of a roller shutter door, are likely to prove cumbersome for users of the facility and there is a strong risk of the door being left open at times, thereby significantly reducing security levels for the cycles. I would ask that a full height, single width door/gate be introduced at one end of each of the units, which is lockable by means of a keypad or swipe card.

Highway Layout

It is disappointing to note that the applicant has still not amended the staggered crossroads arrangements along the frontage of plots 69 - 72 which I believe introduces unnecessary extra risks for the safety of road users. The frequency of dropped crossings in this location also adds to my concerns. A speed table within

this area would also introduce less protection for pedestrians from moving traffic and make it more difficult to divert them to safe identifiable crossing points. I would wish to see this detail amended before any support could be offered by the Highway Authority to this application.

The details of the emergency access point to the estate off Tadcaster Road are acceptable from a highways point of view. however, some form of lockable bollard arrangement should be introduced at this point to prevent unauthorised access by motor vehicles.

Car Parking

It will be necessary to protect the first length of the access road into the site from extraneous parking, in the interests of highway safety and I will be looking for the developer to meet the Highway Authority's costs in advertising, making and the introduction of the relevant Traffic Regulation Order.

Sustainable Travel

I am comfortable with the lower provision of car parking than the maximum standards would allow, in connection with the apartment blocks at the front of the site which will assist in encouraging sustainable travel. The Authority is seeking to promote Car Clubs around the City in connection with this issue, and I would hope that in line with other recent residential developments, a contribution could be sought from the developer to create such a facility in this area of the City.

Conditions

Should planning permission be granted, conditions are recommended in relation to the following:

- (i) Cycle parking details to be submitted
- (ii) Car and cycle parking to be laid out prior to occupation
- (iii) Adoptable road layout to be agreed prior to commencement
- (iv) No gates to open over the highway
- (v) No mud on highway during construction
- (vi) Off-site highway works (Traffic Regulation Order)
- (vii) Dilapidation survey of surrounding highways
- (viii) Detailed method of works statement to be submitted
- (ix) Green Travel Plan to be submitted

CITY DEVELOPMENT

Policies:

- GP1 (Design)
- GP4a (Sustainability)
- GP9 (Landscaping)
- T4 (Cycle Parking Standards)
- L1c (Provision of New Open Space in Development)

Analysis

This is a Reserved Matters application, the original outline being granted in July 2005, following completion of a S106 Agreement. Any development therefore should be in accordance with the outline permission and the Section 106 Agreement.

The outline application was accompanied by an indicative "master plan" layout comprising 360 dwellings with associated access roads, public open space and landscaping, giving a density of approx 40 dwellings per hectare. The reserved matters application now submitted follows the basic principles laid down in the indicative master plan also includes 360 dwellings.

This Reserved Matters application deals with the following aspects:

Siting, design, external appearance, means of access and landscaping.

In relation to these issues, attention is drawn to the requirements of Policies GP1(Design) and GP9 (Landscaping) of the Draft Local Plan.

The following issues should also be considered:

Open space: The outline planning permission requires the development to provide a minimum of 1.3ha of open space. The proposals appear to have met this requirement through a range of open spaces spread throughout the site.

Housing issues: In terms of the issues relating to affordable housing, this has been addressed in a separate response.

Sustainability: All development is required to take account of the principles of sustainability, as outlined in policy GP4a (Sustainability).

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

Conservation Officer

The layout has not changed much from what was submitted earlier, and there is little point in assessing the house types in great detail as they will not have much impact on the wider townscape and seem to be no better and no worse than one would expect in this context. But we ought to ensure that the units facing Tadcaster Road and immediately entering the scheme are suitably designed, and so external materials should be conditioned, i.e. masonry, balconies, roof coverings, rainwater goods etc.

The conversion of the existing house seems to be quite sensitive, and the retention of internal features is somewhat of a *¿bonus¿* as the main objective was to retain the shell and its external appearance. But we need reassurance that the exterior will not be altered too much e.g. by the replacement of windows (for double glazing or other reasons) or by extract vents and flues penetrating the walls and roof . These have

the potential to damage the external appearance quite drastically, and we need to ensure that the exterior is being handled sensitively.

Because of the relatively high density and scarceness of public open space the few spaces so allocated need to be of high quality and well designed. A guaranteed maintenance agreement for the areas of open space within the site needs to be established, to ensure that there are no pockets of land which end up as no-one's responsibility.

Sustainability Officer

The submitted report "Sustainable Construction" report (March 2007) is very welcome and incorporates the details of the BREEAM assessment undertaken so far. This indicates a 'very good' standard (58 points, 55 needed to achieve a 'very good' rating). This is acceptable but I would suggest there is a requirement for the submission to the LPA of the final report once the assessment is complete.

Countryside Officer

With regard to the layout of the public open space, I would only comment that the footpaths as proposed form a loop in the middle of the site. The footpaths would be better located on the southern and western edges so as to avoid a "line of sight" path being created to cut off the loop and so as not to create an obstruction in the middle of the field, thus allowing greater flexibility in use and management.

With regard to the trees to be retained in the gardens of plots 140 - 147, whilst it is accepted that sufficient space has been left to avoid concern with proximity to the proposed houses, there may be some pressure once the houses are occupied for the trees to be removed to allow more natural light to reach the rear of the properties. It has therefore been requested that a Tree Preservation Order is made to ensure that they have some measure of protection.

Landscape Officer

Summary of main issues as follows:

The quantity of development that was approved on this site at outline stage, plus the presence of a wide easement along the southern boundary of the site, places a considerable restriction on the quantity of existing trees that can be retained and the amount of open space that can be provided within the site boundary.

Since previous submissions, the setting of Ashfield House has been improved because the garden is now immediately in front of the house with garages and parking set back.

A cycleway through the site has been introduced along the southern boundary within a new strip of open space, which somewhat compensates for the lost green links shown within the outline scheme.

Unfortunately, the environment of the blocks of flats remains poor, due to a lack of immediate open space and insubstantial landscape setting. This layout also results in the removal of one category "A" Ash tree of high public amenity value, close to the junction with Tadcaster Road.

For information, the proposed development would result in the loss of approximately 3 category A trees (most desirable for retention), 37 category B trees (desirable for retention), and 81 category C trees (could be retained - but should not pose an unreasonable restriction on development), a total of 121 trees (excluding those that need felling for arboricultural reasons) - nearly half the trees on the site. It should be noted that these will be replaced with over 200 advanced nursery stock trees within the front gardens and open spaces, which in the long term would have a significant public presence. It would be necessary to reduce the number of units within the development in order to retain more of the better quality existing trees. It should be noted that the public visibility of most of the existing trees is limited; nonetheless their public amenity value would be increased through the development by way of their new locations within public open spaces.

Archaeologist

A watching brief condition was not attached to the outline planning permission. However, the Dringhouses Local History Group has drawn attention to a medieval ridge and furrow in the field adjacent to Lycett Road. The ridge and furrow is noticeable but it appears to have been deliberately levelled in the past, probably by ploughing. A photographic survey of this feature would be appropriate. If it is not possible to secure this by condition or by agreement with the applicant, then, exceptionally, the Council's Archaeologist has agreed to carry out this survey prior to the commencement of construction work.

The Dringhouses Local History Group also asks that a memorial stone to a horse which took part in the Crimean War is located, conserved and re-erected in an appropriate location. This proposal is supported, and it is suggested that the stone is identified and treated in an appropriate manner.

YORK NATURAL ENVIRONMENT PANEL - At the outline stage direct links were shown between the green areas whereas now the connectivity between them has been broken up by the insertion of houses. For example, the continuation of greenery from the pond area down to the LEAP has been severed, as has the copse of trees on the northern boundary in the west down to the south of the site. The lack of connection between these green areas is unacceptable and the inserted housing should be removed.

To ensure the trees on the eastern aspect are correctly managed, to preserve their integrity, they should be incorporated into the POS as opposed to being included in the private gardens. A commuted sum linked to the LEAP could provide finance for the tree's management. Although the trees can be protected by a TPO, being in different ownerships would likely lead to inconsistent management through uncoordinated works.

ENVIRONMENTAL PROTECTION UNIT

1. Monitoring data indicates that nitrogen dioxide levels at the Tadcaster Road roundabout are well within guideline values, thus no specific additional air quality mitigation measures are required.

2. The Noise, Vibration and Dust mitigation report is a general statement of intent rather than a detailed management plan. This will not be produced until site handover takes place and contractors have been appointed. As such, whilst the report is sufficient as a general statement of principal, it is not sufficient to allow the discharge of condition 9 of the outline planning consent.

LIFELONG LEARNING AND LEISURE

Field in southeast corner

The footpath north of the LEAP area would be better if it ran down the east side of the LEAP so that the open space is left as large as possible - it will be more usable as an informal games area and reduce the likelihood of a desire line developing.

LAP nearest Tadcaster Road

An additional footpath should be added to the linking the LAP to the properties to the north west e.g. plots 258, 259.

N.B. A revised layout has been submitted incorporating these amendments.

Future management

I can confirm that Parks and Open Space would be prepared to take over the ownership and maintenance of three additional areas of open space subject to a suitable payment which would be used to fund ongoing maintenance. These areas are the area either side of the cycle path which follows the easement, the area around the pond and the area including the LAP. Calculations for an appropriate maintenance payment (£200,000) have been made and a response from the applicant is awaited.

EDUCATIONAL PLANNING OFFICER - As the number of dwellings hasn't gone over 360 (i.e. the same as on the outline application), the S106 payment will remain at £372,606.

HOUSING SERVICES - It should be noted that the submission of an affordable housing plan is not a reserved matter and could be dealt with separately under the terms of the Section 106 Agreement. This requires 25% of the proposed dwellings to be affordable in both number and type. The initial affordable housing offer did not fully comply with this requirement, and officers are continuing to negotiate with the applicant with a view to this matter being resolved in parallel with the reserved matters application.

STRUCTURES AND DRAINAGE - No objections. The submitted Drainage Strategy and Flood Risk Statement addresses the concerns that have been raised previously. The proposed culverting of the ditch along the north-eastern boundary has been agreed with the Environment Agency. Measures to ensure that existing land drainage connections are picked up have been incorporated into the proposals.

The photograph provided by Mr. Elliston, taken on 13 February 2001, shows ponding in the south-east area of the site due to low-lying ground. The River Ouse level on that day was approximately 8.00m AOD, and was clearly not backing-up onto the site. This would also have been the case during the November 2000 flood, and shows that the observed ponding is not linked to River Ouse levels, and does not place the site within Zone 3 floodplain.

It is proposed to remove the ponding problem by raising ground levels and positively draining this area to public combined sewer, greatly reducing the existing "green-field" run-off.

Floodwater, exceeding the designed 1 in 100 year storage capacity of the piped drainage system, will be retained in the P.O.S. and will not run off to the adjacent watercourse.

The proposed flow attenuation and on-site storage will significantly reduce the peak rates of flow from the site, reducing the flooding risk.

3.2 EXTERNAL

DRINGHOUSES/WOODTHORPE PLANNING PANEL

Despite outline approval having been granted for this large development we have serious concerns at the impact it will have on the area as a whole. These are as follows:

Schooling: We doubt if sufficient places are available at primary schools within the local area to cater for the number of children produced by 360 dwellings. All schools must be within safe walking distance. The additional impact of the nearby Nixon development is an additional factor. The Local Education Authority must confirm the situation.

Doctors/dentists facilities: The nearest facilities are at Woodthorpe (limited) and The Mount. The developer should provide a building to accommodate these services and the NHS Trust instructed to staff them.

The development as planned is, in effect, the creation of a village community of over 1000 people. There is no community focal point within the site which we consider to be essential. The developer must provide limited small retail outlets (as exist in Middlethorpe Drive/ Middlethorpe Grove) which would attract a paper shop, hairdresser and coffee shop which would form a communal centre to the area.

Traffic: The additional traffic generated by the development will increase movements on an already severely congested local road system to intolerable levels.

Specific detailed objections/comments: Plots 207 to 212 - we are aware that there is a boundary dispute between the owners of nos. 12 to 38 Lycett Road and the developer. A Solicitor has been instructed by the residents to issue an injunction against any developments on these sites until the boundary line between the houses and the development have been resolved. This will effect plots 207 - 212.

Plots 212, 219 - It is considered that the siting of the dwellings on these plots should be altered to minimise the adverse visual impact on the owners of houses at nos. 8, 14 and 16 Lycett Road. As planned they have a side elevation facing them. Garden to garden layout is preferable as in plots 207 - 211.

POLICE ARCHITECTURAL LIAISON OFFICER

1. The layout includes a number of rear access alleyways, providing access and escape routes for potential criminals. These should ideally be removed from the plans, or alternatively provided with gates and robust key operated locks.
2. The circulatory route within the road layout causes some concerns as it creates less opportunities to create "defensible space" and "ownership", in comparison to a cul-de-sac. It could also create excess traffic within the estate, in addition to providing a potential escape route for criminals and opportunities for casual offenders to go undetected. The circulatory route should either be specifically re-designed as a cul-de-sac, or alternatively an emergency access link created at an appropriate point along the route.
3. Cul-de-sacs should be short and straight to allow visibility from one end to another. They must also remain secure and not be linked to other footpaths thus fostering criminal activity.

ENVIRONMENT AGENCY - The submitted Drainage and Flood Risk Statement addresses the issues which have been previously discussed. Therefore we have no objections to the application in its current form. The strategy sets out the measures to be included in the drainage system to limit the final run-off rate to no more than the existing rate (agreed previously at outline stage). It also assesses the impact of the drainage system surcharges and indicates that properties will not be at risk up the 1 in 100 year storm conditions, with an allowance for climate change

YORKSHIRE WATER - No objections are raised in principle to the drainage strategy proposed by the applicant, insofar as it affects the sewer network.

ADJACENT OCCUPIERS - 19 letters from local residents have been received, making the following points:

1. What provision has been made for access to schools and play facilities_
2. The additional traffic will have traffic flow implications during the peak morning and evening rush hours.
3. A new link road could be constructed to divert traffic from the Tesco/Park and Ride roundabout to alleviate pressure on the roundabout.
4. A number of residents claim possessory title of an area of land alongside the northern boundary of the site and consider that the existing boundary wall should not be removed.
5. It was established at the outline application stage that 3-storey dwellings on the northern boundary of the site would harm the amenity of adjacent properties in Middlethorpe Drive, yet large detached houses are proposed in this location, some

three storey, and some with attic windows which effectively makes them 3-storey. Genuine two storey dwellings should be built in this location.

6. The three storey dwellings incorporate kitchens and dining areas at first floor (as opposed to bedrooms) which will result in overlooking and loss of privacy.

7. The orientation and proximity of some of the houses adjacent to the northern site boundary will result in loss of light, overlooking (whether direct or oblique) and loss of privacy. Some of the dwellings will be extremely imposing, dominant and overbearing. The rear gardens of these dwellings should be increased in length or the houses built with gable ends facing the boundary to increase privacy and reduce overshadowing.

8. The "back to back" relationship of some of the dwellings would result in complete loss of privacy

9. Some neighbours would not object to a "garden to garden" development, allowing occupiers on both sides of the boundary more light and privacy.

10. Responsibility for the future maintenance of the drains installed by the college some years ago should be established.

11. The developer appears to be removing a number of protected trees, which should be retained.

12. Flooding has been a regular problem on this site due to the high water table. This will be made worse by all the tarmac, driveways and patios within the new development. When added to global warming predictions, adjacent properties will be flooded. The situation should not be allowed to be made any worse than at present.

13. The proposed treatment and future maintenance of the northern boundary is unclear. There is an existing substantial wall along part of this boundary which should be retained.

14. It is important that any retained trees are protected to prevent them being felled either during the development or by future occupiers.

15. Ponds that have been dug at the rear of Lycett Road in the adjacent field will be a magnet for local children causing disturbance and loss of privacy.

16. A cycle track is shown on the plans but there is no information relating to its continuation beyond the site.

17. The plans show the construction of a surface water drain along the northern boundary, and care must be taken during construction works not to damage the boundary wall and any retained trees in this location.

18. The outline application referred to "landscape planting to reinforce existing (northern) boundary". Not only are there plans to remove some of the existing trees, but the proximity of the houses to the boundary will result in the erosion or removal of what remains.

19. The siting of some of the dwellings along the northern boundary is much closer than on the indicative layout which has already been rejected.

20. A number of units have been squeezed in creating a form of backland development having an unacceptable impact on existing residents.

21. Hours of work should be restricted with no work on Sundays or during the evenings.

22. It has previously been agreed that there would be no increase in ground levels across the site through the importation of additional fill material.

23. A strip of land should be retained to the south of the existing ditch (on the northern boundary) in order to provide an adequate drainage system and to alleviate the impact of the height and proximity of the new dwellings.

24. There is a very obvious "creeping" of the dwellings closer to the properties in Middlethorpe Drive. This conflicts with the principles behind the existing college buildings which were set much further away with trees preserved to protect privacy. All the houses are technically three stories, contrary to the outline planning informatives.

25. The plots in front of Ashfield House should be removed in order to improve its setting and allow more trees to be preserved.

25. A mature sycamore tree is wrongly claimed to be within the development curtilage, thus the developers tree retention ratio is (slightly) flawed.

26. Ashfield House requires sensitive redevelopment. The existing windows should be retained and no flues or vents allowed to penetrate the walls or roofs.

27. New plantings are scant and mostly of ornamental varieties and require much reinforcement. No account seems to have been taken of the loss of wildlife of which there is an abundance at present.

28. The development is too cramped and intense at the Tadcaster Road end of the site.

29. No evidence was found of bats on the site so the inclusion of bat boxes in the new garage block for Ashfield House seems illogical. Many people are frightened of bats and they should not be encouraged into a residential area.

30. There is no indication of the maintenance arrangements for the open areas around Ashfield House, which are an important part of the setting of the building.

31. The existing brick boundary wall should be protected throughout the proposed development works.

Dringhouses Local History Group

1. We feel very strongly that not only Ashfield House, but also the remaining outbuildings to the south, should be retained.

2. There is a medieval ridge and furrow field pattern on the lowest part of the site (adjacent to Lycett Road), which should be photographed and investigated.

3. A memorial stone to a horse called "Nigger" with an inscription " Faithful servant of Major Jonathan Dixon" , who took part in the Crimean War, is located in a passage close to Ashfield House. It is requested that this memorial stone is conserved and re-erected in an appropriate location.

4. The weather vane (in the form of a running fox) on one of the outbuildings should be retained in the new development or, preferably, given to the Yorkshire Museum for safe keeping.

St. Leonard's Hospice

1. Concern is expressed that the drains will not have the capacity to cope with the new development.

2. If levels on the site are higher than the hospice, there is a significant risk of flooding of the hospice site and adjacent fields.

3. The additional increase in buildings and hard surfaced areas has significant implications for the drainage of the site.

4. Will landscape buffers and appropriate fencing be established before the development commences?

5. The landscape bund/buffer should be extended along the full length of the hospice boundary with security fencing and planting.

6. The proximity of the footpath along the southern boundary of the site to the perimeter of the hospice is likely to result in problems with noise.
7. The turning circle adjacent to plots 62 & 63 will result in additional noise.
8. Noise from construction operations is a concern, as many patient bedrooms are adjacent to the development. How will security be maintained along the southern boundary of the site adjacent to the hospice?

4.0 APPRAISAL

4.1 Key Issues

- layout and design of the development
- impact on adjacent occupiers
- planning out crime
- sustainability
- landscaping/tree loss
- nature conservation
- highway safety/car parking
- affordable housing/mix of house types
- public open space provision
- education provision
- drainage
- archaeology
- noise, vibration, dust, contamination

CONDITIONS ATTACHED TO THE OUTLINE PLANNING PERMISSION

4.2 The application relates to the erection of 360 dwellings on approximately 9.33ha of land, pursuant to an outline planning permission granted in July 2005. Only matters reserved by the outline planning permission can be considered at this stage. The reserved matters application should not be regarded as an opportunity to place additional requirements on the applicant, financial or otherwise, which are not referred to within the outline planning permission. Twenty conditions were attached to the outline planning permission, relating to the following matters:

1. Reserved matters application to be submitted within three years of outline planning consent.
2. Ashfield House to be retained as part of the development.
3. Layout to retain existing pond and provide not less than 1.3 ha of public open space, including an equipped children's play area.
4. Statement of sustainable design features to be submitted with first reserved matters application.
5. Surface and foul water drainage works to be submitted and approved prior to the commencement of the development.
6. Highway details to be submitted and approved prior to commencement.
7. Dilapidation survey to be jointly undertaken and approved by the Council prior to commencement.
8. Method statement for demolition and construction works to be submitted and approved prior to commencement.

9. Noise, vibration and dust mitigation scheme to be submitted and approved prior to commencement.
10. Contamination - details of site investigation to be submitted and approved prior to commencement.
11. Contamination - details of remedial works to be submitted and approved prior to commencement.
12. Any contamination discovered during site works to be reported and remediation methods submitted and approved.
13. All works to be carried out within specified hours.
14. All drainage routes through the site to be maintained.
15. No building within 4 metres of sewer which crosses the site.
16. Details of surface water drainage works to be submitted and approved, including discharge rate, prior to commencement.
17. Method of piling foundations to be submitted and approved.
18. No raising of ground levels without prior approval.
19. Scheme for protection of all retained trees and hedges to be submitted and approved prior to commencement.
20. Bat survey/mitigation measures to be submitted and approved prior to commencement.

It is open to the applicant to submit more than one application relating to different reserved matters. A number of the above conditions require works to be agreed "prior to the commencement of the development". Thus any matters referred to above which are not fully addressed by this application could form the subject of separate future applications, provided that they are submitted within a period of three years from the granting of outline planning permission.

INFORMATIVES ATTACHED TO THE OUTLINE PLANNING PERMISSION

4.3 The outline application was accompanied by an indicative "master plan" layout comprising 360 dwellings with associated access roads, public open space and landscaping, and was primarily intended to be an illustration of the density of development that could be achieved on the site. In granting outline planning permission, a number of informatives were included on the decision notice. Firstly, the applicant was advised that the reserved matters application would need to include details of the proposed drainage system for the site to demonstrate that there will be no adverse effect on adjoining land and gardens from surface water runoff from the site. Secondly, the applicant was advised that the indicative layout submitted with this application was not considered to be acceptable for the following reasons, which should be addressed by the reserved matters application:

- i) Three storey dwellings on the boundary with properties on Middlethorpe Drive would harm the residential amenity of occupants of Middlethorpe Drive properties;
- ii) A more sensitive treatment of the boundary with St Leonard's Hospice is required;
- iii) More space is necessary around existing trees to be retained;
- iv) The orchard and setting of Ashfield House should be retained;
- v) The layout should be less car dominated and include a low parking layout;
- vi) A Sustainable Urban Drainage System (SUDS) should be incorporated into the layout;

vii) Materials from the demolition of existing buildings on the site should be reused.

CONTENTS OF THE SECTION 106 AGREEMENT

4.4 The granting of outline planning permission was also subject to a Section 106 Agreement, covering a number of off-site requirements relating to the development of the site. These can be summarised as follows:

- i) The College has agreed to provide an area of public open space (0.96 ha approx and known as the "Green Land") on land immediately to the southeast of the application site. All buildings are to be removed from the Green Land and drainage works carried out in order to render it suitable for general recreational use.
- ii) EITHER: the Green Land shall be transferred to the Council prior to the occupation of not more than 50% of the open market dwellings on the site, and a commuted sum of £61,113 paid to the Council towards the future maintenance of the land as public open space, OR: the College will retain the land and submit a scheme for the future management of the land for the written approval of the Council. The land shall thereafter be maintained in accordance with the approved management scheme. (NB: It is likely that the first option will be followed)
- iii) A commuted sum of £372,606 shall be paid to the Council towards the improvement/provision of Primary School Education Facilities, in four equal instalments, following the occupation of 25%, 50%, 75% and 95% of dwellings with two or more bedrooms on the site.
- iv) The Council to construct a cycle way over land owned by the College between the Green Land and Green Lane to the east of the site (known as the "Green Lane Link"), linking with Bishopthorpe Road. The College to pay a commuted sum of £40,000 towards the construction of the Green Lane link, and £13,160 towards the future maintenance of the link, which shall be adopted as a highway maintainable at public expense.
- v) The College to include within the reserved matters application details of the route of a cycle way connecting the Green Lane link to Tadcaster Road, together with a planned programme for its construction, the cycle way to be adopted as a highway maintainable at public expense.
- vi) The College to implement a Newt Mitigation Strategy as described in the Agreement. This includes the removal/exclusion of newts from the existing pond on the site, and their translocation to three new ponds to be created on adjacent land. Newt hibernacula and appropriate terrestrial habitat are also to be created.
- vii) A proportion of affordable housing to be provided representing not less than 25% in number and type (including number of bedrooms, cycle and car parking space) of all dwellings to be built on the site. The affordable housing to be provided at the same rate as the private market housing (25%, 50%, 75% etc), with all affordable units to be transferred to the Housing Association upon completion of 95% of the private market housing.

POLICY BACKGROUND

4.5 The principle of the proposal has been clearly established by virtue of the granting of outline planning permission in July 2005, and this application relates to matters reserved by that outline permission, in addition to the requirements of the Section 106 Agreement, insofar as they affect the layout of the site. The site is

allocated for residential purposes in the City of York Draft Local Plan (Policy H1), with an estimated site capacity of 350 dwellings, giving a density of around 40 dwellings per hectare. This is in line with Policy H5a, which states that in urban areas, new residential developments should aim to achieve net residential densities of greater 40 dwellings per hectare. Thus the proposal to erect 360 dwellings on the site is in accordance with Policies H1 and H5a, in addition to being in accordance with the master plan submitted with the outline planning application.

4.6 There are a number of policy considerations, both national and local, that are relevant to the determination of this reserved matters application. The relevant national planning guidance is contained within Planning Policy Statements 1, 3 and 9. Planning Policy Statement 1 ("Delivering Sustainable Development") (PPS1) states that a number of key principles should be applied to ensure that decisions taken on planning applications contribute to the delivery of sustainable development. In particular, PPS1 promotes high quality inclusive design in the layout of new developments and individual buildings in terms of function and impact, not just for the short term but over the lifetime of the development. Design which fails to take the opportunities available for improving the character and quality of an area should not be accepted. High quality and inclusive design should create well-mixed and integrated developments which avoid segregation and have well planned public spaces that bring people together and provide opportunities for physical activity and recreation. PPS1 also states that planning authorities should ensure the provision of sufficient, good quality new homes (including an appropriate mix of housing and adequate levels of affordable housing) in suitable locations, whether through new development or the conversion of existing buildings.

4.7 Planning Policy Statement 3 (Housing), published in November 2006, came fully into force on 1st April 2007. This states that in deciding planning applications, Local Planning Authorities should have regard to:

- achieving high quality housing;
- ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people;
- the suitability of the site for housing, including its environmental sustainability;
- using land effectively and efficiently;
- ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives.

Planning Policy Statement 9 ("Biodiversity and Geological Conservation") (PPS9) sets out the Government's vision for conserving and enhancing biological diversity, and includes the broad aim that planning, construction, development and regeneration should have minimal impacts on biodiversity and enhance it wherever possible. It also refers to the desirability of maximising opportunities for building in beneficial biodiversity features as part of good design.

DESIGN AND LAYOUT

4.8 The existing site is relatively densely developed with educational buildings dating from the 1960's onwards. The buildings consist of rectangular blocks with large footprints, interspersed with "green" areas incorporating a number of mature trees. Mature trees are also a feature along the northern boundary of the site adjacent to Middlethorpe Drive, along the south-eastern boundary of the site adjacent to open agricultural land, and around a pond abutting the rear gardens of properties in Lycett Road. The buildings range from two to five stories in height, with the tallest building (Business Studies) being in excess of 20 metres in height and occupying the centre of the site. This building also accommodates a number of telecommunications masts which are visible over considerable distances beyond the site boundary. In general, the buildings are of no particular architectural merit, the exception being Ashfield House on the Tadcaster Road frontage which it is proposed to retain as part of the development. The remainder of the buildings on the site would be demolished. The site incorporates extensive areas of car parking, including an area close to the main entrance to the site adjacent to Ashfield House, a large area alongside the southern boundary adjacent to St Leonard's Hospice, and a third area towards the eastern end of the site close to the pond and sports hall.

4.9 The development of the site closely follows the philosophy set out in the master plan that accompanied the outline application for the development of the site. Although the master plan layout was indicative only, it is considered to be a material consideration, being an illustration of how approximately 360 dwellings could be accommodated on the site in accordance with the estimated site capacity set out in Policy H1 of the Draft Local Plan, thus achieving a density of around 40 dwellings per hectare in accordance with Policy H5a. The outline planning permission also requires 1.3ha of public open space to be provided within the development, although a substantial part of this (approximately 0.9 ha) would be provided "off site", in the south-eastern corner of the college site.

4.10 Policy GP1 of the Draft Local Plan states that development proposals will be expected to respect or enhance the local environment and be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, using appropriate building materials. As indicated on the masterplan, the density of the proposed development decreases through the site from west to east. Thus the site entrance is defined by four storey "gateway" apartment blocks located on either side of the main access road, providing the highest density of development within the site. This part of the site is urban in character, being adjacent to the Askham Bar roundabout, where a high density of development is considered to be most appropriate. The central section of the site provides medium density housing, consisting of a mixture of two and three storey townhouses, semi detached and detached dwellings, but with the overall density decreasing from west to east. The eastern part of the development is characterised by two storey detached dwellings giving the lowest density and a more open feel, with a link through to the adjacent area of public open space. The majority of the dwellings incorporate additional rooms within their respective roof spaces. In addition to the off site provision, three areas of public open space have been provided within the layout, based around one of the existing "green" areas within the college complex, an area around the pond, and a linear feature (approx 20-30 metres in

width) running alongside the southern boundary of the site where a sewer easement has to be provided.

4.11 Although the road layout incorporates a continuous loop in its centre, the majority of the new dwellings would be served by a series of cul de sacs and private drives, creating a distinctive identity to different parts of the development. In addition to the apartments, seventeen different house types have been utilised and these have been mixed throughout the development providing a degree of variety and interest to the streetscene. The external materials to be used could be made a condition of any approval, and could be used as a means of adding further variety and interest to the finished development. It is considered that the overall density, layout, scale, mass and design of the development is acceptable, particularly bearing in mind the constraints of the site, its existing character and appearance, and the need to make efficient use of the available land. A number of residents in Lycett Road have claimed possessory title of a narrow strip of land, running parallel to the northern boundary, which is shown to form part of the application site. This area of land is defined by a brick boundary wall and has been used as garden by the individual property owners for a number of years. Although this matter (which is essentially of a civil nature) has yet to be resolved, a revised layout has been submitted which omits the disputed area of land from the developed area of the site. Thus the proposed development could be accommodated on the site irrespective of whether this area of land forms part of the gardens of the adjacent properties.

4.12 The submitted layout provides for the retention of Ashfield House, which was a specific condition of the outline planning permission (condition 2), providing a total of seven residential units. The application is accompanied by a report highlighting the conservation of interior features within the building as part of the conversion works. The layout also retains the garden setting in front of Ashfield House, a matter which was referred to in an informative on the outline planning consent. A new single storey block of twelve garages would be erected beyond the area of retained garden to serve the new properties. The former stable block adjacent to Ashfield House would be demolished and replaced by two of the new apartment blocks. Again, this follows the pattern of development shown on the original master plan, which did not show the building as being retained. Neither this building, nor Ashfield House, are listed or located within a conservation area and thus have no statutory protection. However, Ashfield House itself is clearly of some local interest and its retention would assist in maintaining some of the original character of the area in a prominent location on the Tadcaster Road frontage.

IMPACT ON ADJACENT OCCUPIERS

4.13 Policy GP1 seeks to ensure that when considering development proposals, residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures. The principal areas of conflict are along the northern boundary, where the site abuts the rear gardens of properties in Middlethorpe Drive and Lycett Road, and along part of the southern boundary adjacent to St. Leonard's Hospice. In this respect, informatives on the outline planning consent stated as follows:

- three storey dwellings on the boundary with properties on Middlethorpe Drive would harm the amenity of the occupiers of those properties.
- a more sensitive treatment of the boundary of St. Leonard's Hospice is required.

4.14 The submitted layout incorporates ten three storey dwellings along a relatively short section of the northern site boundary in the form of two terraced blocks of four properties and a pair of semi-detached dwellings. However, these dwellings would be provided with rear garden depths of between 12 metres (minimum) and 20 metres, giving total separation distances of between 39 metres (minimum) and 48 metres. In addition, there are a number of mature trees along this part of the boundary providing a significant degree of screening, which would be retained. It is recognised that the internal layout of the three storey dwellings adjacent to this boundary incorporate kitchen/breakfast areas at first floor level, and that a greater degree of overlooking might occur in comparison to bedrooms. However, so far as the privacy and amenity of the adjacent occupiers is concerned, it is considered that the proposed three storey dwellings are acceptable along this part of the site boundary, particularly bearing in mind the separation distances involved and the degree of screening provided by the existing trees.

4.15 Of the seventeen other dwellings that would be located along this boundary, six would be two-storey, seven would be two- storey with attic accommodation, and four would be two-and-a-half stories in height. Seven of the dwellings would present gable walls to the boundary, the majority of which would contain only small bathroom/WC windows at first floor level. Conditions could be attached to ensure that these windows are obscure glazed, and that no additional windows are inserted without prior consent. Although some oblique overlooking of adjacent rear gardens would occur as a result of the orientation of these dwellings, it is considered that they are located a sufficient distance from the boundary (approximately 3-5 metres) for any adverse impact to be minimised , particularly bearing in mind the generous separation distances involved.

4.16 The remaining 5 dwellings would have rear elevations "face on" to the boundary, but with garden depths of between 11 and 17 metres, resulting in adequate separation from neighbouring properties. Rear garden depths of existing properties in Middlethorpe Drive and Lycett Road are for the most part fairly generous, and the minimum separation distance of 27 metres is considered to be satisfactory and sufficient to maintain an adequate level of privacy and amenity. Where garden depths are at their minimum distance (plots 148-150, facing nos. 56-64 Lycett Road)), tree planting has been incorporated along the boundary in order to reduce the impact of any overlooking. Although garden levels would be slightly raised above existing ground levels, particularly towards the eastern end of the site, it is considered that adequate separation distances would be provided and that the proposal would not impact unduly on the amenity and privacy of adjacent occupants.

4.17 In terms of the general treatment of boundaries throughout the site, the applicant has indicated that existing boundary treatment would be inspected and retained/made good where appropriate. This would apply, for example, to the existing brick boundary wall at the rear of the Middlethorpe Drive properties. Elsewhere, any boundaries in need of securing would be provided with 1.8 metre high screen fencing. In some locations, such as where dwellings abut the open

countryside, the provision of screen fencing may not be a specific requirement. It is proposed, therefore, to attach a condition to any approval requiring boundary treatment to be agreed in detail and provided prior to the occupation of any of the dwellings.

4.18 Part of the southern boundary of the site abuts St. Leonard's Hospice and the Yorkcraft workshop operated by City of York Council. The master plan submitted with the outline planning application incorporated three storey apartment blocks in close proximity to the boundary with the hospice, and an informative included on the decision notice indicated that a more sympathetic boundary treatment was required in this area. The application now submitted incorporates an area of public open space in this location, part of a linear feature which runs the full length of the southern boundary of the site and which would also accommodate part of the cycleway link between Tadcaster Road and Green Lane, the provision of which is a requirement of the Section 106 Agreement. The area also includes a 10.5 metre wide sewer easement. The area of public open space is at its widest (approximately 30 metres) where it abuts the hospice, and it is proposed that the cycleway itself would be separated from the boundary at this point by a landscaped bund/buffer. Whilst the proximity of the cycleway link to the boundary could raise concerns over security, it is considered that this could be negated by appropriate boundary treatment, the precise form of which could be controlled by condition.

4.19 The Noise Mitigation Statement submitted on behalf of the applicant includes an undertaking to provide temporary acoustic screening along the boundary with St. Leonard's Hospice during the construction works. In addition, it is intended to construct the dwellings closest to the hospice at the earliest opportunity in order to provide a more permanent screen against the effects of site operations. The eastern boundary of the Yorkcraft workshop would abut the area of public open space, with the southern boundary being adjacent to a car parking area serving three of the apartment blocks, and bearing in mind the commercial use of the building no particular privacy or amenity issues would arise.

PLANNING OUT CRIME

4.20 Policy GP3 requires new development, where deemed appropriate, to incorporate crime prevention measures to achieve natural surveillance of public spaces and paths from existing and proposed development, and provide secure locations for any associated car and cycle parking, in addition to the provision of satisfactory lighting. With regard to the comments of the Police Architectural Liaison Officer, a revised layout has been submitted which reduces the number of rear access alleyways within the development. Whilst a number still remain, it is considered that security concerns could be addressed through the provision of gates and key operated locks at appropriate locations. This could be made a condition of the approval.

4.21 Whilst the development incorporates a relatively small circulatory loop within the layout, the majority of the dwellings would be served by private drives and cul-de-sacs. It is considered unrealistic for a development of this size to be served wholly by cul-de-sacs, as this would be likely to result in lengthy detours for residents and could encourage more car journeys. Likewise, it is considered that access from

the estate to the adjacent footpath/cycleway along the southern boundary is, on balance, a positive feature as it will be likely to encourage more sustainable means of travel by the new residents.

SUSTAINABILITY

4.22 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. The application is accompanied by a Sustainable Construction report which sets out the approach taken to ensure that sustainability and sustainable construction techniques are incorporated into the development. The report incorporates the details of the BREEAM assessment undertaken so far. This indicates a "very good" standard (58 points, 55 being the minimum required), which is considered to be acceptable. However, it is recommended that a condition is imposed requiring the final report to be submitted for approval once the assessment is complete, in order to ensure that the very good standard has been maintained.

TREE LOSS, TREE RETENTION AND LANDSCAPING

4.23 Policy GP9 requires development proposals, where appropriate, to incorporate a suitable landscaping scheme which must be planned as an integral part of the proposals, include an appropriate range of indigenous species, and reflect the character of the locality and the surrounding development. Policy NE1 states that trees, woodlands and hedgerows which are of landscape, amenity, nature conservation or historical value will be protected by refusing proposals which would result in their loss or damage, and by requiring any retained trees or hedgerows to be adequately protected during site works. In addition, tree preservation orders will be made for individual trees and groups of trees which contribute to the landscape or local amenity. The policy also states that appropriate replacement planting with locally indigenous species will be required to mitigate against the loss of any existing trees or hedgerows.

4.24 The application is accompanied by separate reports relating to (i) tree retention and protection, and (ii) landscaping proposals. The overall philosophy for tree retention and landscaping of the development has been influenced to a large extent by the topography of the site and by the existing layout of buildings. In general terms the topography of the site is characterised by a gentle slope with levels gradually descending from the Tadcaster Road frontage towards the south eastern boundary. However, within the interior of the site this general pattern is complicated by localised terracing which has evidently been undertaken to provide level building platforms for the principle buildings. As a consequence of this arrangement a number of the trees within the site are located on the steep slopes which mark the changes in level between adjoining terraces. When the site is developed, a regrading exercise would be undertaken in order to even out these variations and to avoid significant differences in levels between individual dwelling plots. The work is also necessary in part in order to comply with the proposed drainage regime for the site, which generally flows from west to east/south east within the site. In these situations the regrading of existing levels will inevitably result in some loss of existing trees. In addition, the existing site is characterised by buildings with large footprints, a situation which will inevitably change when the site is developed into smaller plots for

residential purposes. In such situations, it is not always possible, or indeed desirable, to incorporate every existing tree within the new layout.

4.25 In order to measure the true extent of any tree loss, the submitted reports include an assessment of the quality and condition of the existing trees on the site. 260 trees have been identified, of which only 7.31% (19) fall within the "High" category, where retention is considered most desirable. 28.85% (75) of the trees are ranked within the "Moderate" category, where retention is desirable, with by far the largest percentage, 61.15% (159), falling within the "Low" category, where retention is not considered desirable. The remaining 2.69% (7) fall within the "Fell" category, which relates to trees that ought to be removed irrespective of any development proposals.

4.26 The proposed development would result in the loss of 126 of the existing trees on the site. Although this represents a large number of trees, only 3 are from within the "High" category, with 37 being from the "Moderate" category. By far the largest number (81) fall within the "Low" category, with the remaining 5 being in the lowest "Fell" category. The layout does, however, provide for the retention of major elements of structural planting, as follows:

- (a) The majority of the trees forming the setting of Ashfield House in the north western corner of the site.
- (b) The hedgerows and trees along the northern boundary to the rear of existing residential properties in Middlethorpe Drive. For the most part these trees will be retained within rear gardens of the new dwellings, the dimensions of which have been designed to be consistent with this objective.
- (c) The trees, including a number of mature oaks, along the south eastern boundary.
- (d) The hedgerows, trees and groups of trees along the south western boundary
- (e) The trees within the existing courtyard in the west/centre of the site. These trees would be contained within one of the areas of public open space forming part of the development.
- (f) The trees and tree groups, predominantly mature willows, associated with the pond in the north/east of the site.

The submitted report includes a method statement for the protection of the retained trees during construction works, including the establishment of protective zones and the erection of protective fencing so that all activities are excluded from the zone.

4.27 A comprehensive landscaping scheme has been submitted as part of the reserved matters application, providing replacement trees at a ratio in excess of 2:1, i.e. more than two replacement trees for each tree to be lost. New structural planting would be provided along the site frontage to Tadcaster Road and around the proposed apartment blocks, along the north eastern boundary of the site to supplement existing planting, and within the new areas of public open space in order to improve bio- diversity and to enhance the landscape setting and quality of the development as a whole. A significant amount of planting would also be provided within the interior of the site to provide a landscaped setting for individual properties, and to assist in to defining boundaries and providing privacy. In addition, screen

walls and fences would be provided where appropriate, particularly on corner plots, in order to ensure an acceptable level of privacy and amenity.

4.28 In conclusion, it is considered that the tree retention and landscaping proposals represent a reasonable compromise bearing in mind the radical change in the nature of the built environment and occupation which would take place. The retention of major elements of structural planting would provide maturity to parts of the development, whilst the new structural/secondary planting would, over a period of time, provide a planting framework based around the new layout of roads, buildings and spaces within the site, thus providing an attractive residential environment.

NATURE CONSERVATION ISSUES

4.29 Policy NE7 states that where a proposal may have a significant effect on protected species or habitats, applicants will be expected to undertake an appropriate assessment demonstrating their proposed mitigation measures. From a nature conservation standpoint, the most significant feature identified on the site is a pond adjacent to the northern boundary at the rear of properties in Lycett Road. The pond has been identified as supporting an isolated colony of Great Crested Newts, a species protected under European Legislation. Although the pond is to be retained as part of the site layout (condition 3 of the outline consent refers), it is likely that the newt population would be vulnerable during construction works and indeed could be lost altogether. In order to address this issue, the section 106 Agreement forming part of the outline consent contains a newt mitigation strategy which includes the provision of a new habitat, including the construction of three new ponds, on an area of adjacent land. Work has already commence on the construction of the ponds, and it is anticipated that newt capture, exclusion (from the present site) and translocation to the new site will take place during spring 2007, all in accordance with the approved mitigation strategy.

4.30 No evidence of bats has been identified on the site, however, the mature trees on the south eastern boundary of the site may be suitable as a roosting site. These trees would be retained as part of the development, and it is intended that they will ultimately be protected by means of a Tree Preservation Order along with other retained trees within the application site. In terms of habitat creation, it is proposed that the new garage block serving the Ashfield House properties will incorporate three bat boxes. Although one letter of objection expresses concern at this proposal, such measures are encouraged by Central Government advice in Planning Policy Statement 9 ("Biodiversity and Geological Conservation), which states "Development proposals provide many good opportunities for building in beneficial biodiversity or geological features as part of good design. When considering proposals, local planning authorities should maximise such opportunities in and around developments, using planning obligations where appropriate" (paragraph 14).

HIGHWAY ISSUES, CAR AND CYCLE PARKING, PEDESTRIAN/CYCLE LINKS

4.31 Policy T2b requires all new built development (on sites of 0.4 hectares or more) to contribute towards the development and improvement of consistent, well connected and dedicated pedestrian and cycle route networks. In all new developments, Policy T4 requires cycle parking to be provided in accordance with

the standards set out in Appendix E of the Draft Local Plan (one covered space per 1/2 bedroom dwelling, two spaces per 3 bedroom dwelling or above, can be provided within garage depending on garage size).

4.32 The submitted layout makes incorporates a cycleway link through the site, as required by the Section 106 Agreement. This would be located within the linear area of public open space along the southern boundary of the site, and would eventually form part of a continuous link between Tadcaster Road and Bishopthorpe Road. No planning conditions are required in relation to this link as its provision is controlled by the terms of the Section 106 Agreement.

4.33 The Highways (Network Management) Section have raised a number of concerns in relation to the proposal. So far as the "staggered crossroads" arrangement within the site is concerned, the applicant points out that the layout meets the standards set out in the Council's own Residential Design Guide and would act as a traffic calming measure by reducing the speed of vehicles as they pass through the estate. Revised drawings have been submitted in relation to the cycle parking provision, disabled parking and the emergency access details, and further comments are awaited.

AFFORDABLE HOUSING, HOUSING MIX

4.34 Policy H2a states that the Council will seek to ensure, through negotiation and agreement, that proposals for all new housing development of 15 dwellings/0.3 ha or more in the urban area will include a proportion of affordable housing. The policy states that the affordable housing should be distributed throughout the housing development, rather than concentrated in one area, and should be considered as part of the development rather than a separate entity. In the case of the York College site, the Section 106 Agreement forming part of the outline consent stipulates that a minimum of 25% of the dwellings in both number and type (including number of bedrooms, cycle and car parking spaces) shall be "affordable", with 70% of that total being offered for rent and the remainder for discounted sale. It should be noted that the submission of an affordable housing plan is not a reserved matter and could be dealt with separately under the terms of the Section 106 Agreement. The initial affordable housing offers made on behalf of the applicant have not been considered acceptable, and officers are continuing to negotiate with the applicant with a view to this matter being resolved at the earliest opportunity. An update on this issue will be provided at the meeting.

4.35 Policy H3c requires a mix of house types, sizes and tenures to be provided on all new residential developments where appropriate to the location and nature of the development. The development provides for a mixture of house types and sizes, as follows:

Dwelling Type	Number	Total	
Detached	129	129	(35.83%)
Semi detached	11	22	
3 block	7	21	

4 block		9	36
5 block		1	5
6 block		2	12
Apartments	128	128	(35.55%)
Ashfield House		7	7
			360

Split by number of bedrooms (including Ashfield House)

1 bed	2	(both Ashfield House)	0.56%
2 bed	128	(all apartments)	35.55%
3 bed	46		12.78%
4 bed	99		27.50%
5 bed	76		21.11%
6 bed	9		2.50%
	360		100%

4.36 It is considered that the development would consist of a good mix of house types, 65% of which would consist of larger family homes. Approximately 35% of this total would be detached properties, with 30% being made up of semi-detached and terraced dwellings. The remainder of the development (approximately 35%) would be made up of two bedroom apartments.

OPEN SPACE PROVISION

4.37 Condition 3 of the outline planning permission requires the development to provide a minimum of 1.3 hectares of public open space, including the retention of the existing pond. The condition also requires the provision of an equipped children's play area within the site. The requirements of this condition would be addressed through the provision of four principal areas of public open space, as follows:

- (a) 0.9 ha (approx) of land in the south-eastern corner of the site. This area did not form part of the original outline planning application but is owned by the college and is included within the Section 106 Agreement relating to the development. Under the terms of the Agreement, once the land has been made suitable for use as public open space, it will be transferred to the Council and a commuted sum paid towards its future maintenance.
- (b) An area of land based around the existing pond. This area includes a number of trees, which would be retained.
- (c) An area forming part of a "green" courtyard area within the college complex, at the western end of the development. This area also includes a number of mature trees which it is intended to retain.
- (d) A linear area running alongside the southern boundary of the site, which includes a sewer easement. It is proposed to incorporate the cycleway link between

Tadcaster Road and Green Lane within this linear area, the provision of which is a requirement of the Section 106 Agreement.

A further small area of open space would be provided on the Tadcaster Road frontage of the site, in front of the proposed apartment blocks. The layout also retains the garden setting to the rear of Ashfield House, which would be available for use by the occupiers of this part of the development.

4.38 The applicant proposes to provide two play areas to serve the development, one within the open space in the south-eastern corner of the site (to a "LEAP" specification) and one within the western courtyard area ("LAP" specification). The development therefore provides a range of open space areas spread throughout the site, in addition to cycle access to the wider cycleway network. It is also intended that public access will be available to new sports pitches which the college is providing as part of its relocation proposals.

EDUCATION PROVISION

4.39 Policy ED4 states that where additional education provision is necessary as a direct result of new residential development, developers will be required to enter into a Section 106 Agreement to make a financial contribution towards the provision of these facilities. The Section 106 Agreement forming part of the outline planning permission made provision for a commuted sum payment of £372,606 to be made towards the cost of improving and/or providing primary school education facilities within the City of York. That payment was based upon the development consisting of 360 dwellings as indicated on the master plan, and provision was made for the sum to be increased in the event of the number of dwellings proposed exceeding 360. However, as the number of dwellings remains at 360, the payment will remain as originally calculated. The Section 106 Agreement provides for one quarter of the payment to be made after the occupation of 25%, 50%, 75% and 95% of the dwellings respectively.

DRAINAGE

4.40 Condition 5 of the outline consent requires details of foul and surface water drainage to be submitted and approved. Condition 16 requires details of any surface water drainage works to be agreed, including details of any discharge rates. Condition 18 states that there shall be no raising of ground levels on the site without the prior approval of the local planning authority, in order to ensure that there is no adverse impact on the amenity of neighbours and that there will be no additional surface water run off from the site onto adjacent land. An informative included on the decision notice advised that the reserved matters application would need to include details of the proposed drainage system for the site to demonstrate that there will be no adverse effect on adjoining land and gardens from surface water run off. A further informative advised that the proposal should incorporate the use of Sustainable Urban Drainage Systems (SUDS). The application is accompanied by a Drainage Strategy and Flood Risk statement which seeks to address these matters. The report states that from a preliminary site investigation, it is unlikely that soakaways or other ground infiltration methods can be made to work. Thus it is intended to drain the site to the existing public sewerage system, using storage and

attenuation (i.e. sustainable drainage methods) to maintain parity with the existing situation.

4.41 Surface water storage will be provided for a 1 in 30 year return period, including a 20% allowance for climate change, in oversized sewers within the estate roads. Storm water will be stored within the "green land" area in the south east corner of the site, and will comprise oversized pipes constructed as part of the adoptable surface water sewerage system. Once the system has been installed, the ground will be reinstated to approximately the same level as existing. This strategy, along with the proposed discharge rates, has been agreed in principle with Yorkshire Water, who will be adopting the mains site drainage system. The Section 106 Agreement forming part of the outline consent requires drainage works to be carried out to render the green land fit for general recreational use prior to the first occupation of any of the dwellings. However, the drainage strategy recognises that during extreme storm events, up to 1 in 100 years, the system has been designed to flood onto and be contained within the open space area, away from residential properties.

4.42 Reference has been made by local residents to photographic evidence of historic flooding in the south-eastern corner of the site in February 2001, following the November 2000 flood event. The developer is proposing to raise ground levels in this area of the site to enable surface water to drain in a south-easterly direction, away from residential properties. Both the Environment Agency and the Council's Structures and Drainage Section are satisfied that the drainage proposals are satisfactory and would not result in flooding of adjacent land or properties. In particular, through an analysis of river levels during February 2001, it has been established that the flooding in the south-eastern corner of the site was most likely as a result of localised ponding and was not related to flooding from the River Ouse. It is proposed to remove the ponding problem by raising ground levels and positively draining this area to the public combined sewer, greatly reducing the existing rate of "green field" run-off. Floodwater that exceeds the designed 1 in 100 year storage capacity of the piped drainage system will be stored within the public open space area and thus will not run off into the adjacent watercourse. The proposed flow attenuation and on-site storage will significantly reduce the peak flow rates from the site, thus reducing the flooding risk.

4.43 Concerns have also been expressed in relation to the proposed land drainage system along part of the northern boundary of the site, designed to take any excess water accumulating within rear gardens of properties in Middlethorpe Drive and Lycett Road. The applicant has confirmed that the existing land drains serving 26 - 34 Lycett Road will be retained, and the existing drainage ditch along the boundary will be culverted and a new 450mm land drain provided to take excess water in an easterly direction to a new outfall at the existing ditch along the eastern boundary of the site. The majority of surface water from the site will drain away from existing properties in Lycett Road as a result of the raising of the ground levels, and it is considered that the applicants' proposals will deal adequately with localised drainage issues along the northern boundary of the site.

ARCHAEOLOGY

4.44 A watching brief condition was not attached to the outline planning permission and thus is not a reserved matter. However, the Dringhouses Local History Group has drawn attention to a medieval ridge and furrow in the field adjacent to Lycett Road. The Council's Archaeologist has commented that the ridge and furrow is noticeable but it appears to have been deliberately levelled in the past, probably by ploughing, and considers that in the circumstances a photographic survey of this feature would be an appropriate course of action. If it is not possible to secure this by condition or by agreement with the applicant, then, exceptionally, the Council's Archaeologist has agreed to carry out this survey prior to the commencement of construction work.

4.45 The Dringhouses Local History Group also asks that a memorial stone to a horse which took part in the Crimean War is located, conserved and re-erected in an appropriate location. This proposal is supported by the Council's Archaeologist, and recommends that an appropriate condition is attached to ensure that the stone is identified and treated in an appropriate manner.

NOISE, VIBRATION, DUST, CONTAMINATION

4.46 The Environmental Protection Unit have referred to monitoring data which indicates that nitrogen dioxide levels at the Tadcaster Road roundabout are well within guideline values, and thus no specific additional air quality mitigation measures are required in this instance.

4.47 The application is accompanied by a Noise, Vibration and Dust mitigation report, which is general statement of intent rather than a detailed management plan. The report recognises that this is insufficient to allow the discharge of condition 9 of the outline planning consent at this stage, and states that a detailed method statement will be submitted once site handover takes place and a contractor has been appointed, with a view to the condition being fully discharged prior to the commencement of any works on site. In addition to referring to matters such as hours of working (as referred to in condition 13 of the outline consent), the control of site traffic, dust mitigation, wheel washing and road sweeping, the report also includes an undertaking to provide temporary acoustic screening along the boundary with St. Leonard's Hospice. In addition, it is intended to construct the dwellings closest to the hospice at the earliest opportunity in order to provide a more permanent screen against the effects of site operations.

4.48 Likewise, it is intended that conditions 10, 11 and 12, relating to the identification and treatment of contaminated land, will be addressed prior to the commencement of the development or, in the case of condition 12, during the development itself. Thus these matters do not form part of this application.

5.0 CONCLUSION

5.1 The layout of the site is affected by a number of constraints and parameters, including the need to achieve the "target" yield of 350 dwellings on the site, as set out in the Draft Local Plan (the master plan submitted with the outline application included 360 dwellings and this has been followed through to the reserved matters application now submitted), the need to provide a fixed area of public open space within the development, the requirement to provide a cycleway link through the site, the sewer easement running close to the southern boundary, and the desirability of providing a mix of house types on a development of this size, including a reasonable proportion of dwellings designed for family occupation.

5.2 The layout of the site closely follows the master plan submitted with the outline application, but takes into account a number of concerns that were raised at that time. It is considered that the layout and design of the development, as an overall package, is reasonable bearing in mind the above constraints. In particular, the development achieves a good proportion of detached and family homes (approximately 35% and 65% respectively), set within an environment providing four principal areas of public open space, each with a different character and function. The relationship of the new properties to adjacent occupiers is considered to be acceptable, providing separation distances that comply with accepted standards. It is concluded that the proposed development would provide a satisfactory living environment for the new residents, whilst fulfilling the more general obligations and requirements set out in the original outline planning permission and accompanying Section 106 Agreement.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 VISQ8 (Samples of exterior materials to be approved)
- 2 The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-

Drawing no. 1950-100 rev S (site layout plan) received on 11 June 2007

Drawing no. FF428/02 rev D (existing trees to be removed) received on 14 June 2007

Drawing no. 27684/003 Rev G (Drainage Strategy Plan) received on 15 June 2007

Drawing no. 27684/004 Rev G (Site Levels) received on 15 June 2007

Drawing no. 27684/005 Rev F (Storm Water Attenuation System) received on 15 June 2007

Drawing no. 27684/009 (Existing Ditch along North East Boundary) received on 14 June 2007

Drawing no. 27684/010 Rev A (Proposed Pipe System along North East Boundary) received on 14 June 2007

Drawing no. 4132/08 (Proposed Site Plan - Ashfield House) received on 2 April 2007

Drawing no. 4132/05 (Proposed Plans - Ashfield House) received on 2 April 2007

Drawing no. 4132/06 (Proposed Plan and Elevation - Ashfield House) received on 2 April 2007

Drawing no. 4132/07 (Proposed Elevations - Ashfield House) received on 2 April 2007

Drawing no. 4132/09 (Proposed Garage Elevations - Ashfield House) received on 2 April 2007

Scheme for Tree Retention and Protection received on 2 April 2007

Sustainable Construction received 2 April 2007

Drainage Strategy and Flood Risk rev D received on 1 June 2007

- 3 Details of all means of enclosure to the site boundaries (including details of any features that are to be retained) 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 first occupied.

Reason: In the interests of the privacy and amenity of existing and future residents.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no additional openings to those shown on the approved plans shall at any time be inserted in the north/north east elevations of the dwellings on plots 148, 152, 166, 212, 219, 220, 228 and 229, without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenity and privacy of occupants of adjacent residential properties.

- 5 All windows to be inserted in the north/northeast elevations of the dwellings on plots 148, 152, 166, 212, 219, 220, 228 and 229 shall be obscure glazed and thus maintained at all times.

Reason: In the interests of the amenity and privacy of occupants of adjacent residential properties.

- 6 HWAY18 (Cycle parking details to be agreed)

- 7 HWAY19 (Car and cycle parking laid out)

- 8 HWAY27 (Adopted road layout to be agreed)

- 9 No gate shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

- 10 HWAY31(No mud on highway during construction)
- 11 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 the approved plans, or arrangements entered into which ensure the same.

Traffic Regulation Order to prevent parking along the access road into the site.

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

- 12 HWAY40 (Dilapidation survey)
- 13 Prior to the commencement of any works, a detailed method of works statement shall be submitted to and agreed in writing with 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.

- 14 The scheme of landscaping and tree planting shown on Drawing No. FF428/01 Rev D received by the Local Planning Authority on 14 June 2007 shall be carried out in its entirety within the period of twelve months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be adequately maintained for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason: In the interests of amenity and the provision and maintenance of landscaping measures on the site.

- 15 Not later than twelve months following the date of commencement of the development, or within such longer period as may be agreed in writing with the Local Planning Authority, screen walls, fences and hedges shall be provided in the locations shown on the approved layout plan (Drawing No. 1950-100 Rev S) and in accordance with the submitted details.

- 16 Prior to the commencement of work on the conversion of Ashfield House, details of all extract vents, flues and soil pipes shall be submitted to and approved in writing by the Local Planning Authority. All work shall be carried out in accordance with the approved details, and no variation shall be

permitted to take place without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity.

- 17 All works and ancillary operations during construction and demolition including deliveries to the site shall only be carried out between the hours of 08.00 and 18.00 Mondays to Fridays and 09.00 to 13.00 on Saturdays and not at all on Sundays and Bank Holidays.

Reason: To protect the amenity of nearby residents.

- 18 At the soonest available opportunity, and in any event prior to the completion of the development, the developer shall submit a completed BREEAM (Building Research Establishment Environmental Assessment Method) assessment for the development. The developer shall aim to achieve a BREEAM assessment standard of at least "very good" for the development, and if this is not achieved, the developer shall demonstrate the changes that will be made to the development in order to achieve this standard.

Reason: In the interests of sustainable development.

- 19 Prior to the occupation of any dwelling on the site, details of security arrangements for the rear access alleyways shown on the approved layout drawing no. 1950-100 Rev S shall be submitted to and approved in writing by the local planning authority. The approved arrangements shall be incorporated into the development in their entirety.

Reason: In the interests of adequate security and the prevention of crime.

- 20 Prior to the commencement of the development, a scheme shall be submitted for the written approval of the Local Planning Authority to secure the identification, conservation and re-erection/preservation of the following on-site features:

- the memorial stone to a horse which took part in the Crimean War
- the weather vane on the outbuilding adjacent to Ashfield House

Reason: In order to ensure that the features of local historic importance referred to are adequately preserved.

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:

- layout and design of the development
- impact on adjacent occupiers
- planning out crime
- sustainability
- landscaping/tree loss
- nature conservation
- highway safety/car parking
- affordable housing/mix of house types
- public open space provision
- education provision
- drainage
- archaeology
- noise, vibration, dust, contamination

As such the proposal complies with Policies H1, H5, GP1, GP3, GP9, NE1, NE7, T2, T4, T7, H2 and ED4 of the City of York Local Plan Deposit Draft.

2. 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:

Consent for highway works

- adoption of highway - Section 38 - Stuart Partington (01904) 551361/Michael Kitchen (01904) 551336
- works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

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.

4. In addition the attention of the developer should be drawn to the following to minimise noise and dust nuisance from construction works, to nearby residents.

- (i) 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".

ii) 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.

iii) 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.

iv) 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.

v) Any asbestos containing materials shall be removed by licensed contractors to a licensed disposal site.

vi) There shall be no bonfires on the site.

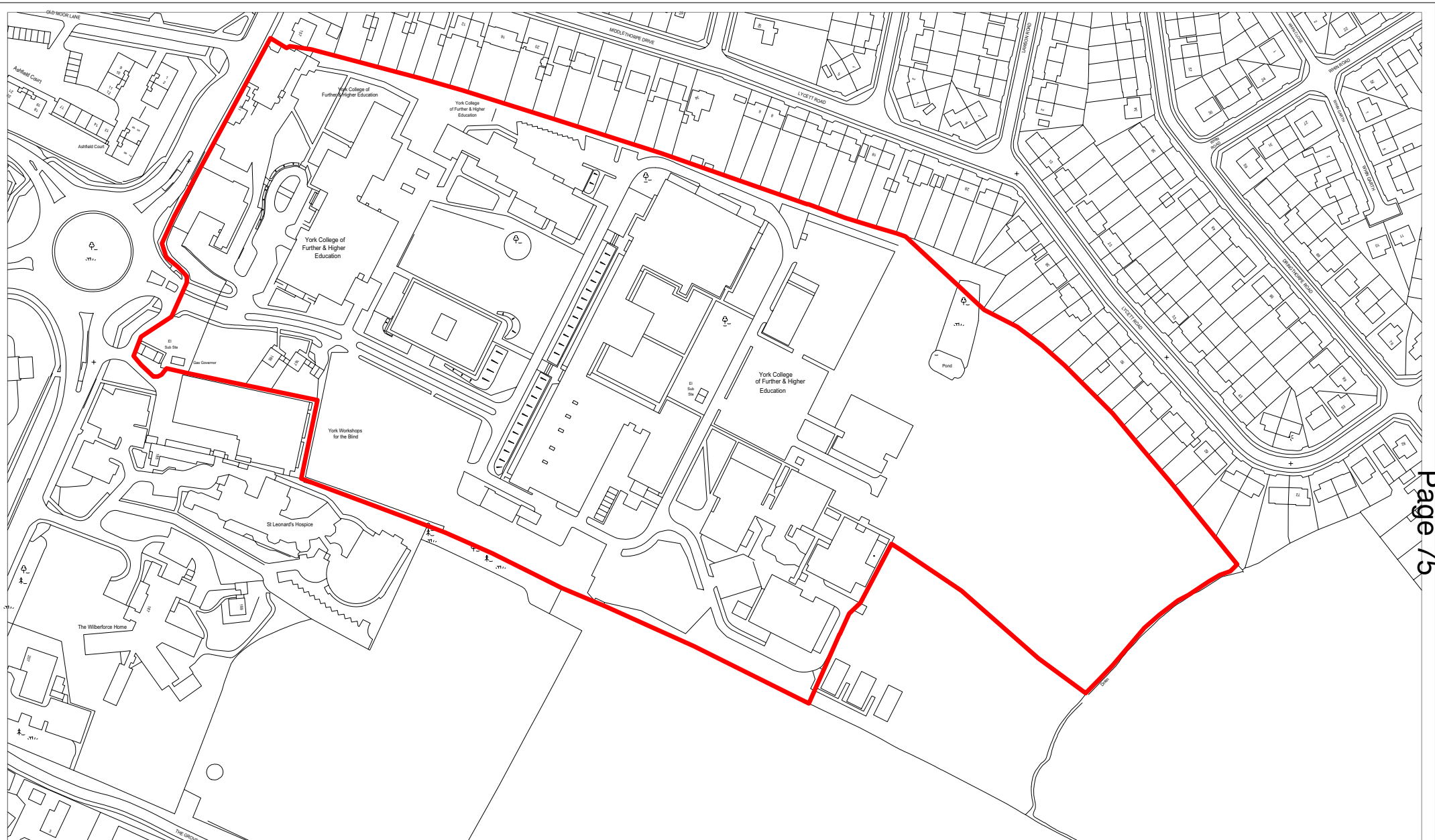
5. The developer is urged to work in partnership with the Police and Local Authority in trying to reduce crime by considering the Police "Secured by Design" Award Scheme for this site. Full details and an application form for the scheme can be found on www.securedbydesign.com.

Secured by Design is primarily an initiative to encourage the building industry to adopt crime prevention measures to assist in reducing the opportunity for crime and the fear of crime, creating a safer and more secure environment. Secured by Design supports one of the Government's key planning objectives - the creation of secure, quality places where people wish to live and work

Contact details:

Author: Simon Glazier Assistant Area Team Leader

Tel No: 01904 551351



9, St. Leonards Place, York, YO1 2ET
 Telephone: 01904 551550

YORK COLLEGE RESIDENTIAL DEVELOPMENT

SCALE: 1:2500	DRAWN BY: PSL	DATE 15/10/2007
Originating Group:	Project	Drawing No.



Produced from the 1993 Ordnance Survey 1:2500 mapping with the permission of the Controller of Her Majesty's Stationery Office
 © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

This page is intentionally left blank

COMMITTEE REPORT

Committee:	Planning Committee	Ward:	Dringhouses Woodthorpe	And
Date:	25 October 2007	Parish:	Dringhouses/Woodthorpe Planning Panel	

Reference: 07/01075/FUL
Application at: York College Of Further And Higher Education Tadcaster Road
 Dringhouses York YO24 1UA
For: Use of land to south east of site as public open space including
 provision of footpaths and associated landscaping and drainage
 works (resubmission)
By: George Wimpey Ltd, Shepherd Homes Ltd And Magna Holdings
 Ltd
Application Type: Full Application
Target Date: 9 July 2007

1.0 PROPOSAL

1.1 This application has been submitted in conjunction with the "reserved matters" application for the erection of 360 dwellings on the former York College site, which is also considered on this agenda. When outline planning permission was granted for residential development on the York College site, condition 3 required the development to provide a minimum of 1.3 hectares of public open space. This requirement is to be partially addressed by the use of approximately 0.9 hectares of land to the southeast of the college site as public open space. This area of land did not form part of the original outline planning application but was owned by the college and is included within the Section 106 Agreement relating to the development. Under the terms of the Agreement, once the land has been made suitable for use as public open space (by the developer), it will be transferred to the Council and a commuted sum (£61,113) paid towards its future maintenance. The Section 106 Agreement requires all existing buildings to be removed from the site and all drainage works to be carried out prior to it being made suitable for general recreation use and transferred to the Council.

1.2 The application seeks to regularise the situation through the granting of a planning permission and relates to the use of the land (which was previously used as temporary car parking and open space) as public open space and includes the provision of footpaths, landscaping and drainage works associated with the residential development of the adjacent land. The application also includes the provision of a "LEAP" equipped play area within the site.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYL1

Open spaces in new residential devts

3.0 CONSULTATIONS

3.1 INTERNAL

HIGHWAYS

There are no highway objections to the proposals subject to the following conditions:

1. The routes across this open space shall be constructed to a minimum width of 3.0 metres and shall be designed for combined pedestrian and cycle use.
2. Prior to the commencement of any works, details shall be agreed in writing of the following:
 - (a) the specification for the construction work
 - (b) measures to prevent unrestricted access to the route by motor vehicles
 - (c) the date by which the cycle/ pedestrian routes shall be brought into use.

LIFELONG LEARNING AND LEISURE

No objections are raised to an amended plan that has been submitted.

3.2 EXTERNAL

DRINGHOUSES AND WOODTHORPE PLANNING PANEL

No objections

YORKSHIRE WATER

No objections are raised in principle to the drainage strategy proposed by the applicant, insofar as it affects the public sewer network.

ENVIRONMENT AGENCY

No objections are raised to the proposed drainage strategy insofar as it affects this part of the site. The strategy sets out the measures to be included in the drainage

system to limit the final run off rate to no more than the existing rate (agreed at outline stage). It also assesses the impact of the drainage system surcharges and indicates that properties will not be at risk up to 1 in 100 storm conditions, with an allowance for climate change.

STRUCTURES AND DRAINAGE

No objections to the proposed drainage strategy insofar as it affects this part of the site.

LOCAL RESIDENTS

No replies received

4.0 APPRAISAL

4.1 Key Issues

- appropriateness of the proposed use
- internal layout of the open space
- drainage issues

4.2 The application site formed the subject of a Section 106 Agreement entered into by the college, requiring the land to be used as public open space in association with the residential development on the adjacent site. Thus the principle of the proposal would be difficult to oppose at this stage. The site is allocated as "white land" in the City of York Draft Local Plan and has been excluded from the adjacent area of Green Belt.

4.3 The internal layout of the site includes a footpath/cycleway running in a northwest to southeast direction across the site, linking the head of a cul-de-sac with the proposed cycleway link to Green Lane. A further link to the Green Lane cyclepath would be provided along the southern boundary of the site, forming part of a continuous link to Tadcaster Road. A triangular network of footpaths/cycleways is also included around the perimeter of the proposed equipped play area (LEAP). Approximately half of the area would be open, allowing for more informal activities such as ball games. The Head of Parks and Open Spaces raises no objections to this arrangement.

4.5 The footpaths/cycleways have been deflected away from the curtilages of the proposed dwellings (plots 126 - 130), which is considered to be reasonable in the interests of the amenity of the future occupiers. There are no existing trees within the site that need to be felled. However, 38 new trees would be planted within the open space area as part of a comprehensive landscaping scheme for the whole site.

4.6 The open space area would also provide a secondary function in that it would accommodate the underground pipes providing storm water storage during extreme events. The water would be discharged to the public sewer system at a controlled rate equivalent to the existing rate, so as not to exacerbate flooding problems further downstream. During exceptional events, water may pond on the surface of the site,

but these are likely to be comparatively rare and short-lived occurrences. The (AOD) level of the open space would be such that water should not flow back and cause flooding of the proposed dwellings or the existing adjacent properties in Lycett Road. No objections have been raised to this part of the drainage strategy by Yorkshire Water, the Environment Agency or by the Council's Structures and Drainage Engineer. It is proposed that the drainage system would be constructed to a standard that would be adoptable by Yorkshire Water, and thus maintained by them in the future.

5.0 CONCLUSION

5.1 The provision of an area of public open space in this location was a specific requirement of the Section 106 Agreement forming part of the outline planning permission. A sum of £61,113 is to be paid to the Council towards the future maintenance of the area. The layout of the public open space, which includes an equipped play area, is considered to be acceptable. Cycleway links are provided within the area as part of the formation of a continuous link between Tadcaster Road and Green Lane, which will be the subject of a further financial contribution (£53,160). The public open space area also fulfils a secondary role by providing underground storm water storage, forming part of the drainage strategy for the whole site. No planning objections are raised to the proposal.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing no. 1950-100 rev X (Site layout plan) received on 20 August 2007

Drawing no. FF428/02 rev E (Existing trees to be removed) received on 23 August 2007

Drawing no. FF428/01 rev E (Landscaping scheme) received on 23 August 2007

Drawing no. 27684/003 Rev J (Drainage Strategy Plan) received on 23 August 2007

Drawing no. 27684/005 Rev J (Outline proposals for storm water attenuation system) received on 23 August 2007

Drawing no. 27684/004 Rev H (Proposed site levels) received on 23 August 2007

Drainage Strategy and Flood Risk rev D received on 1 June 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 The pedestrian/cycle routes across the public open space shall be

constructed to a minimum width of 3.0 metres and shall be designed for combined pedestrian and cycle use.

Reason: In the interests of the safety of users of the pedestrian/cycle routes

4 Prior to the commencement of any works, details shall be agreed in writing of the following:

- (i) the specification for the construction work of the pedestrian/cycle routes across the site
- (ii) measures to prevent unrestricted access to these routes by motor vehicles
- (iii) the date by which the cycle/ pedestrian routes shall be brought into use.

Reason: To ensure the proper and timely provision of the pedestrian/cycle routes.

5 Full details of the specification of the equipped play area (LEAP) shall be agreed in writing with the Local Planning Authority prior to its construction on the site.

Reason: In order to ensure a proper standard of equipped play area within the site

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:

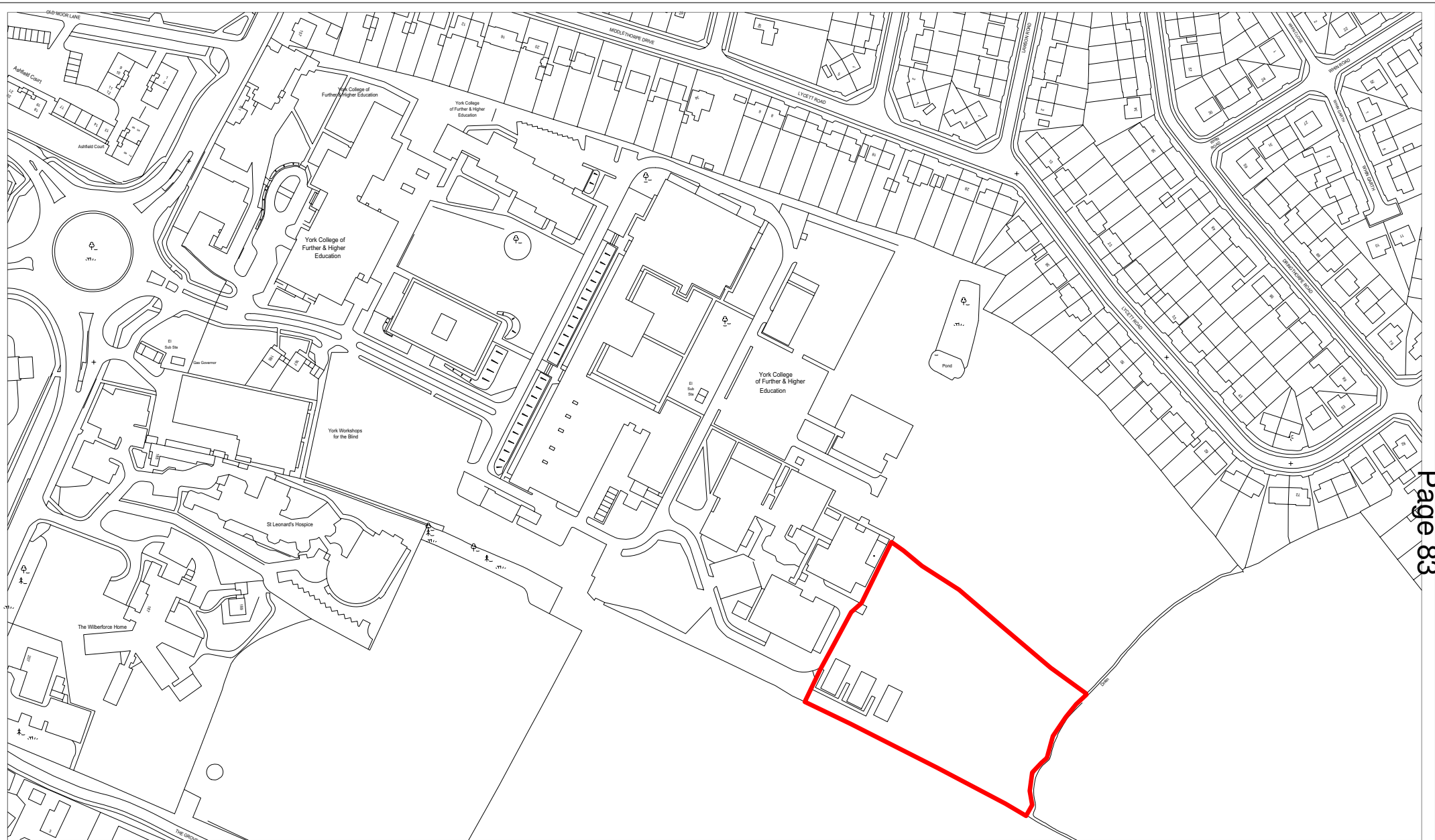
- appropriateness of the proposed use
- internal layout of the open space
- drainage issues

As such the proposal complies with Policy L1c of the City of York Local Plan Deposit Draft.

Contact details:

Author: Simon Glazier Area Team Leader
Tel No: 01904 551642

This page is intentionally left blank



9, St. Leonards Place, York, YO1 2ET
Telephone: 01904 551550

YORK COLLEGE PUBLIC OPEN SPACE

SCALE: 1:2500	DRAWN BY: PSL	DATE 15/10/2007
Originating Group:	Project	Drawing No.



Produced from the 1993 Ordnance Survey 1:2500 mapping with the permission of the Controller of Her Majesty's Stationery Office
© Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

This page is intentionally left blank

COMMITTEE REPORT

Committee: Planning Committee **Ward:** Holgate
Date: 25 October 2007 **Parish:** No Parish

Reference: 07/00056/OUTM
Application at: Tarmac Limited Ouse Acres York YO26 5SJ
For: Outline application for residential development comprising houses and apartments after demolition of existing warehouse and plant
By: Tarmac Ltd And Blackwell Ltd
Application Type: Major Outline Application (13 weeks)
Target Date: 28 August 2007

1.0 PROPOSAL

1.1 The application seeks outline planning permission, with all aspects reserved, for the erection of 80 residential units, comprising apartments and houses at the current Tarmac site, Ouse Acres. An indicative plan has been submitted detailing how the site could be developed by providing 32 apartments and 48 townhouses but this is not binding and is for visual purposes only.

1.2 The application site lies at the head of Ouse Acres, off Boroughbridge Road. The site has a site area of 1.5ha and is currently occupied by the Tarmac batching plant to the north and a disused warehouse to the south. The site backs onto the railway line and is adjacent to the British Sugar site and the former Donnelleys site to the west. Allotments lie to the east and residential properties to the south. The site would be accessed from the existing access road at the head of Ouse Acres, off Boroughbridge Road.

1.3 The application site is located adjacent to the south eastern boundary of the British Sugar site. As Members are aware the Issues and Options stage of the Area Action Plan for the York Northwest area is going out for public consultation between the 5th November 2007 and the 14th January 2008. The boundary for the Area Action Plan has not yet been defined and as such the Tarmac site does not form part of this Area Action Plan.

1.4 The application is subject to a Section 106 Agreement to secure funding for the provision of off site sports space, financial contribution towards the maintenance of on site open space and children's play area, financial contribution towards the provision of additional pupil places at Millthorpe School and to secure the provision of 37.5% affordable housing on the site. The applicant has agreed to the content of the Section 106 Agreement.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

2.2 Policies:

CYE3B
Existing and Proposed Employment Sites

CYH4A
Housing Windfalls

CYH5A
Residential Density

CYH3C
Mix of Dwellings on Housing Site

CYH2A
Affordable Housing

CYGP1
Design

CYGP4A
Sustainability

CYED4
Developer contributions towards Educational facilities

CYL1C
Provision of New Open Space in Development

3.0 CONSULTATIONS

3.1 Internal

CITY DEVELOPMENT - There are no objections to the loss of employment land at the site. The applicant has submitted a full employment land report with the

application, including a quantitative analysis of available land/take up (based on the Councils own employment land monitoring) and a qualitative assessment of the Ouse Acres site (access/facilities) which would be lost to the City were it to be developed for an alternative use, including other 'B' type uses. The report satisfies the council that the loss of 1.53ha would not be detrimental to the city's employment land supply and as such the requirement of Policy E3b have been met.

The content of this report will be discussed within the main body of the report.

EDUCATION - Based on the information provided and on a worst case scenario for the number of bedrooms per apartment a financial contribution will be required for the provision of upto 12 pupil places at Millthorpe School

ENVIRONMENTAL PROTECTION UNIT - No objections to the application but recommend conditions in connection with potential land contamination, noise levels within the proposed properties and construction hours

SUSTAINABILITY OFFICER - The details provided contain nothing relating to sustainability directly however reference is made to the sun path in relation to the site context in addition the proposal as stands is for terraced properties which offer a higher degree of energy efficiency. As it is an outline application made after the approval of GP4a policy but prior to the approval of the SPG Sustainable Design & Construction (consultation period closes 4th May) it would seem appropriate to apply a condition requesting a sustainability statement, which should include commitment to, and evidence of the presence of a BREEAM rating at 'very good'. The proposal is not at a detailed design stage so this is the ideal time to include sustainable design and construction elements at minimal cost to the applicant.

LIFELONG LEARNING AND CULTURE - As originally submitted the application did not indicate any provision for play and amenity open space. A development of this size should have a children's play area to LEAP size based on the outline number of houses and flats. Further management of these spaces could be by CYC, in which a commuted sum payment will be required to fund future maintenance or by an alternative management company. We would not expect to see sports space on site but would expect a financial contribution towards the Sport and Active Leisure Strategy west zone priorities. The applicants have now agreed to this and the tying up of these issues within a Section 106 Agreement

HIGHWAY NETWORK MANAGEMENT - No objections. The proposal is to construct 80 dwellings on the site of the Tarmac plant on Ouse Acres. The site has historically generated a certain level of traffic, including HGV movements, throughout the day and as such this traffic has been `netted` off from the expected level of traffic generated by the proposed development in line with national guidance. The expected level of traffic that will be generated by the proposed redevelopment will not have a material impact on the surrounding highway and an accompanying Transport Assessment has indicated that surrounding junctions will not be detrimentally affected by the redevelopment by the site.

AFFORDABLE HOUSING - No objections. A level of 37.5% affordable housing has been achieved on site to a mix and type which is very much in line with the findings

of the 2007 Strategic Housing Market Assessment. It is also considered to be the appropriate level of affordable housing, based on a detailed assessment of site viability, having regard to a number of identified site remediation costs. These issues will be address in detail in the report.

HOUSING AND ADULT SOCIAL SERVICES - Following the submission of a detailed viability outlining abnormal development costs and detailed discussions with the applicant we have accepted that 37.5% is the maximum provision of affordable housing achievable on this site. The offer comprises 15 houses (all social rent) and 15 apartments (4 social rent and 11 discount sale). Although the offer is not equivalent to the 60:40 house to apartment split across the site, increasing the number of houses received would reduce the overall percentage of affordable achievable. Added to this, we have managed to ensure that ALL of the 15 houses are for social rent in line with the needs identified in the recent Housing Market Assessment. Consequently, due to the site factors outlined by Derek Gauld elsewhere in this report Housing and Adult Social Services are satisfied that this is the optimum mix and amount of affordable housing achievable on this site.

3.2 External

NEIGHBOURS - 4 letters from neighbours and a petition containing 112 signatures objecting on the following grounds:

- Highway safety issues in connection with the additional vehicular movements
- Poor quality of the existing surface to Ouse Acres
- Concerns over additional vehicles using the poor junction with Boroughbridge Road
- Request road safety measures along Ouse Acres
- Additional traffic could generate an increased risk of accidents
- Concerns regarding noise and disturbance during construction
- Concerns over loss of privacy when the development is completed
- Townhouses on the site would be higher than the existing buildings on the site
- Increased risk of crime
- Should reduce the density
- No increase in light pollution should be allowed
- Proposed road within the site should not be circular as it creates a race track
- Play area should be located away from the existing residential properties

One additional letter following re-consultation in connection with additional highway works objecting on the grounds that the ghost island at the junction with Ouse Acres and Boroughbridge Road offers no real improvement and should be a 4-way junction with traffic lights at the top of Ouse Acres. The transport assessment does not appear to address whether Ouse Acres has the capacity for the additional vehicle movements especially when parking often prevents two-way traffic.

NETWORK RAIL - No objections are raised but certain requirements must be met due to the close proximity of the development to an electrified railway. Conditions are recommended

ENVIRONMENT AGENCY- No objections to the development but conditions are required in connection with potential land contamination. The site is shown to be partially within Flood Zone 3, however we have no records of flooding in that vicinity.

Therefore the Flood Risk Assessment (FRA) submitted is adequate in line with PPS 25 and conditions should be attached.

The Ouse Model (Bullens) shows the modelled 1 in100 year flood level for the site to be 11.2 metres above ordinance datum (m AOD). This site is predominantly above this level, with only the very northern corner and part of the adjacent track being below 11 m AOD as shown on the submitted topographic survey.

The applicant should ensure that any new development is not at risk from the nearby Carr Beck. As the FRA shows that there will be an overall reduction of the impermeable area on the site, with the final discharge going the Carr Beck, as the existing arrangement, we have no reason to object on drainage grounds. However, we would support the use of SuDS techniques, including infiltration measures where practical (and providing there is no risk of pollution to the water environment), as redevelopment of sites such as this should offer an opportunity to further reduce the surface water discharge.

YORKSHIRE WATER - No objections. A water supply can be provided under the terms of the Water Industry Act 1991. On the Statutory Sewer Map there are a 450mm and a 225mm diameter public sewers running across the site. The agent is aware of this. In this instance a stand-off distance of 3m is required at each side of the sewer, resulting in a protective strip 6m wide.

Development of the site should take place with separate systems for foul and surface water drainage. The separate system should extend to the sewer. The local public sewer network does not have capacity to accept any discharge of surface water from the proposal site. The developer is advised to contact the relevant drainage authorities with a view to establishing a suitable watercourse for the disposal of surface water.

4.0 APPRAISAL

4.1 Key Issues

- Loss of employment land
- Principle of redevelopment of the site for residential
- Density, mix and affordable housing
- Design and impact upon amenity
- Highway implications
- Drainage and flood risk
- Financial contributions

4.2 In addition to the Draft Local Plan (DLP) Policies set out in section 2.2, national advise contained within Planning Policy Statement1: Delivering Sustainable Development, Planning Policy Statement 3: Housing' Planning Policy Guidance Note 12: Transport and RSS12: Regional Spatial Strategy for Yorkshire and Humber are relevant.

4.3 Loss of Employment Land

Policy E3b of the DLP states that planning permission for the change of use of sites in existing or previous in employment uses will be retained within their current use unless there is sufficient supply of employment land to meet both immediate and longer term requirements over the plan period in both quantitative and qualitative terms.

A comprehensive Employment Land Report was submitted with the application, which establishes that this site is no longer needed in maintaining a sufficient supply of quality employment land in the city. It states that:

- There is an over supply of employment land to satisfy immediate and longer term requirements, even when taking into account the loss of employment land (both allocated and existing) to other uses;
- Within the vicinity of Ouse Acres site there is a significant amount of available employment land. There are significant employment developments at Monks Cross, Clifton Moor and York Business Park, which provide land for B2/B8 purposes with better transport access and access to facilities
- In addition to York Central, two other major employment sites have come forward, the former Terry's factory and the former British Sugar factory. Both offer good access to the road network and benefit from existing infrastructure and amenities;
- In terms of redevelopment for B1, access to the site is poor, is divorced from other office developments and is unlikely to be of interest because of the lack of primary frontage.

The information contained within the report is considered acceptable to justify the redevelopment of this site for non-employment purposes. The loss of this 1.53ha site would not be detrimental to the city's employment land supply and as such the requirement of policy E3b have been met.

4.4 Principle of Redevelopment of the Site for Residential

PPS3, RSS for Yorkshire and Humber and DLP Policy H4a (Housing Windfalls) encourage new housing development to be located on previously developed land. PPS3 states that the 'priority for development should be previously developed land, in particular derelict sites and buildings'. Policy H4a states that planning permission will be granted where the site is within the urban area, has good accessibility, is of an appropriate scale and density and would not have a detrimental impact upon existing landscape features.

The site would fall within the definition of 'previously developed land, is located within a predominantly residential area within the main urban area of the City and has good accessibility. The site is currently semi-vacant and faces full vacancy when Tarmac relocates to a combined location at Clifton Moor. Therefore, the principle of redevelopment of the site for residential purposes is considered acceptable in policy terms, subject to the scale and density of the proposed development being acceptable.

4.5 Density, Mix and Affordable Housing

PPS3 and policy H5a of the DLP encourage the efficient use of land in all new housing developments, whilst having regard to the character, quality and amenity of the area. Policy H5a states that new residential developments in the urban area, but outside the city centre, should aim for a density greater than 40 dwellings per hectare. As the application proposed 80 dwellings on a 1.53 hectare site, the density of the development would be approximately 53 dwellings per hectare and would therefore exceed the minimum requirement.

PPS3 and Policy H3c of the DLP seek a mix of house types, sizes and tenures on all new residential developments, in order to sustain mixed communities. The application is in outline form but an indicative plan indicated that the site could accommodate 32 apartments located within two blocks, being a mixture on one and two beds and could also accommodate 48 townhouses being two bed or more. This would compliment the existing housing mix in the locality.

Policy H2a of the DLP outlines the principles of affordable housing within new residential developments. It states that proposals for new housing development of 15 dwellings or more will include affordable housing in line with the Councils Housing Need Assessment. The Council aim to achieve 50% affordable housing on new sites, broken down into 45% affordable rent and 5% for discounted sale. However, this figure can be reassessed down where the developer can demonstrate financial loss against previous land acquisition prices or unforeseen additional site costs. The policy also states that the affordable housing should be distributed throughout the housing development rather than concentrated in one area.

After negotiations the developer has agreed to provide 37.5% affordable housing on the site. As previously mentioned the outline scheme indicated that it would be possible to erect 48 houses and 42 apartments on the site. Taking this into account the following split has been agreed:

- 30 affordable homes from the total of 80 on site (37.5%) made up of 15 houses and 15 apartments
- there will be 33 omv houses and 17 omv apartments
- the affordable houses will be of the same size and indistinguishable from their omv neighbours
- the affordable apartments will be of the same size and indistinguishable from their omv neighbours
- all the (15 no.) houses will be for social rent
- 4 of the apartments will be for social rent, and 11 for discount sale
- the discounted sale element will be at a level which is usefully affordable in local terms and will be set out in the s106 agreement (a schedule of starting prices has been agreed with the applicant)

The housing mix is very much in line with the findings of the 2007 Strategic Housing Market Assessment, which looks especially to 2 and 3 bed houses as something York is specifically missing out on at the moment - as well as other types. It is considered to be a good mix and balance.

Although this provision is below the 50% affordable sought it is considered to be the appropriate level of affordable housing, based on a detailed assessment of site viability, having regard to a number of identified site remediation costs. In addition to demolition costs and other fairly standard and measurable costs of site clearance, an intrusive geo-environmental assessment was commissioned in order to advise on the potential for on site contamination, and to identify whether special precautions would be required with regard to foundation construction. The investigation revealed both a requirement for extensive site remediation, and a significant programme of ground improvement works in order to support the proposed development. Original budget costs were exceeded through more extensive on - site assessment, and it is accepted that there remains an element of risk as total costs will not become apparent until the existing structures and hard standings have been cleared from the site.

In these circumstances there becomes a level at which the costs of providing affordable housing, instead of open market, are too high to expect to realise a reasonable developer return for the risk. Following detailed and open book analysis the schedule above was agreed as the best possible outcome.

The City Council's 50% affordable housing policy is a target to reach. In this instance there are considered to be special site circumstances which make this maximum figure impossible to achieve, and it is considered that 37.5% - especially with half of these being family houses for affordable rent - is the optimum level of affordable housing for this scheme.

4.6 Design Issues and Impact upon Amenity

PPS1 and PPS3 seek to secure an improvement in the quality of new housing development with sustainable and environmentally new housing encouraged. Policy GP1 of the DLP includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance overlooking, overshadowing or dominated by overbearing structures, use 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.

The application is in outline form with all matters being reserved for later consideration. A Design and Access statement and indicative plan have been submitted to support the application. The plan indicates the site being developed with 10 blocks of three storey townhouse, ranging from 3 to 6 in a row, and two blocks of three storey apartments. The three storey design is to reflect the residential

properties recently built within the Donnelley's site, adjacent to the application site, and the agent has stated that these buildings would be no higher than the existing warehouse on site. Each of the houses would have two off road car parking spaces with the apartments being provided with one space per unit and one visitor space per four apartments. The vehicular route has been placed to the perimeter of the site to allow for easier pedestrian flows through the site and to locate the residential properties away from the site boundaries. This prevents a loss of amenity to the existing properties along Prior's Walk in terms of privacy and overdominance, and reduces the level disturbance to the future residents from the existing railway line. Large amounts of public open space can be seen on the indicative plan and additional landscaping would be provided.

Whilst the plan indicates that the proposed level of development is capable of being accommodated within the site it is purely for illustrative purposes and does not bind the Council to approving this scheme on the submission of the reserved matters application.

DLP Policy GP4a requires developers to have regard to the principle of sustainable development. The site is considered to be within a sustainable location, within walking distance to services and facilities and to a regular bus service. No further information has been submitted regarding renewable energy sources but a condition is proposed requesting that a BREEAM rating of 'very good' is sought.

4.7 Highway Implications

Although all aspects of the scheme are reserved it has been stated that the vehicular access to the site will be from the head of Ouse Acres where the existing site is accessed. A Transport Assessment has been submitted with the application, which identifies that the proposed redevelopment of the site would not have any detrimental impact upon the operating of the surrounding junctions.

As part of the application the existing priority T junction onto Boroughbridge Road is to be slightly amended through lining and slight kerb realignment to provide a formal right turn ghost island from Boroughbridge Road onto Ouse Acres. This is designed to formalise the existing situation where right turning vehicles sit over the central line of Boroughbridge Road.

Parking within the site can be achieved in accordance with CYC standards.

4.8 Drainage and Flood Risk

As part of the planning application a Drainage and Flood Appraisal was submitted. The site is shown partly within Flood Zone 3 on the Environment Agency mapping, however, comparison of recorded flood levels with topographical survey levels show that the site is not a risk of fluvial flooding. This is as The Ouse Model identifies the 1 in 100 year flood level for the site to be 11.2m AOD and only the very northern corner and part of the adjacent access track are below 11m AOD.

Surface water flows discharging from the site will be less than the existing site flows and as such there will be no increase of the risk of flooding to the site or elsewhere.

It has been identified that there are two public sewers running through the site which the applicant is aware of and which would not prevent an acceptable development arising.

4.9 Financial Contributions

Due to the size of the development various triggers were met in relation to financial contributions for Education and Public Open Space.

Policy ED4 of the DLP states that where additional educational facilities are required as a direct result of the residential development the applicant should enter into a Section 106 Agreement to make a financial contribution towards the provision of these facilities. The application is for 80 residential units but the number of bedrooms per unit is not known at this stage. It is therefore not possible to give a final figure for the financial contribution required. However, a worst-case scenario based on all units being two beds or more calculates at a figure of £186,372, which would provide for 12 pupil places at Millthorpe School.

Policy L1c of the DLP states that for sites of 10 or more dwellings. An assessment of existing open space accessible to the proposed development including its capacity to absorb additional usage will be undertaken. This will ascertain the type of open space required and whether on-site or a commuted sum payment for off site provision is more appropriate based on individual site circumstances.

The assessment identifies that there should be an area within the site designated for play and open space. In addition a development of this size should have a children's play area to LEAP size. The management of these areas could be by CYC for which a commuted sum will be payable. It is not expected that sports space would be provided on site but that a financial contribution would be made for the to aid the Sport and Active Leisure Strategy west zone priorities. Again as the final number of bedrooms within the units has not been set the level of contribution is unknown. However, it is possible to tie the formula for calculating the contribution into a Section 106 Agreement, which the applicant has agreed to.

5.0 CONCLUSION

5.1 It is considered that the principle of the development is acceptable on the site. The applicant has demonstrated that the land is surplus to current employment needs and that a residential development comprising of 80 units can be accommodated on the site. Information supplied with the application identifies that there would be no detrimental impacts upon the surrounding highway network, on the basis that improvements to the junction with Boroughbridge Road are undertaken.

5.2 Officers consider that the application is acceptable subject to a Section 106 agreement for financial contributions towards the provision of educational places, off and on site open space requirements and affordable housing provision. Officers therefore recommend approval.

6.0 RECOMMENDATION: Approve subject to Section 106 Agreement

- 1 OUT1 Approval of Reserved Matters
- 2 OUT2 Full details to be submitted
- 3 HWAY1 Details roads, footpaths, open spaces req.
- 4 HWAY7 Const of Roads & Footways prior to occup
- 5 HWAY14 Access to be approved, details reqd

6 Prior to the development commencing details of the car and 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 car and 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 cars and cycles.

Reason: To provide adequate off street parking and to promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

- 7 HWAY32 IN Restrictions on construction times
- 8 HWAY31 No mud on highway during construction

9 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.

Junction alterations to form a right turn ghost island on Boroughbridge Road as indicatively shown on drawing number 2034.08

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

- 10 HWAY40 Dilapidation survey

11 Safety Audit:

A full 3 stage road safety audit carried out with advice set out in the DMRB HD19/03 and guidance issued by the council, will be required for the internal highway layout, site access onto Ouse Acres and the junction alterations on Boroughbridge Road, stage 1 of which must be submitted to and agreed in writing by the LPA prior to

works commencing on site.

Reason: To minimise the road safety risks associated with the changes imposed by the development.

12 HWAY23 Vehicular sight lines protected

13 The building envelope of all residential buildings with a facade fronting onto the North East Railway boundary (i.e. blocks A, C, I & J), shall be constructed so as to achieve internal noise levels of 30 dB LAeq 1 hour and 45 dB LAMax (23:00 - 07:00) in bedrooms and 35 dB LAeq 1 hour (07:00 - 23:00) in all other habitable rooms. These noise levels are with windows shut and other means of acoustic ventilation provided. The detailed scheme shall be approved in writing by the local planning authority and fully implemented before the use hereby approved is occupied.

Reason: To protect the amenity of future occupants

14 A desk study shall be undertaken in order to identify any potentially contaminative uses which have or are currently occurring on the site. This shall include a site description and a site walkover and shall be submitted to and approved by the local planning authority prior to commencement of development of the site. This should, where possible date back to 1800

Reason: To protect human health and the wider environment

15 A site investigation shall be undertaken based upon the findings of the desk study. 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 the site.

Reason: To protect human health and the wider environment

16 A risk-based remedial strategy shall be developed based on the findings of the site investigation. The remedial strategy 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. The 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).

Reason: To protect human health and the wider environment

17 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 human health and the wider environment

18 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 of the site.

Reason: To protect human health and the wider environment

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

Reason: To protect human health and the wider environment

20 All fuel tanks and any associated pipe work shall be removed from site in accordance with the Health and Safety Guidance Note 41 - Petrol filling stations: Construction and Operation and in full consultation with City of York Council petroleum officers. A method statement and remedial strategy shall be submitted to and approved by the local planning authority prior to the commencement of this work.

Reason: To protect human health and the wider environment

21 No work shall take place on site, including demolition, loading, unloading and construction, except between the hours of 0800 and 1800 on Mondays to Fridays and 0900 to 1300 on Saturdays. No work shall take place on site on Sundays or Bank Holidays.

Reason: To safeguard the amenities of local residents.

22 There shall be no buildings sited, ground level raising or storage of any materials including soil within that part of the site below 11.2 m AOD as set out in the topographical survey (drawing no: 001)

REASON: To ensure that there will be no increased risk of flooding to other land/properties due to impedance of flood flows and/or reduction of flood storage capacity.

23 No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

REASON : To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

24 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the LPA. Roof water shall not pass through the interceptor.

REASON: To prevent pollution of the water environment.

25 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies installed in accordance with a scheme previously submitted to and approved in writing by the LPA.

REASON: To prevent pollution of the water environment.

26 Unless otherwise agreed in writing by the local planning authority, no building or other obstruction shall be located over or within 3.0 metres either side of the centre lines of the sewers which cross the site

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

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

Reason: In the interests of satisfactory and sustainable drainage

28 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences.

Reason: To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading

29 The developer shall submit a sustainability statement that will commit them to aim to achieve a BREEAM "very good" or "excellent" assessment standard for the development. 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 provide a sustainable form of development

30 Prior to the commencement of any development on the site a management plan identifying areas for the parking of vehicles waiting to enter the development site shall be submitted to and approved in writing by the local planning authority

Reason: In the interest of the amenities of the residents of Ouse Acres and in the interests of highway safety.

**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 loss of employment land, neighbouring residents amenity, traffic implications, existing landscape features, sustainability, educational facilities, the provision of open space or affordable housing. As such the proposal complies with Policy H1 and H8 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies E3b, H4a, H5a, H3c, H2a, GP1, GP4a, ED4 and L1c of the City of York Local Plan Deposit Draft.

2. There is a Section 106 Legal Agreement in association with this application which refers to the provision of an on site LEAP approved children's play area, on site amenity space, affordable housing provision and education contribution.

3. 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:

Micheal Kitchen regarding S38 agreement and 278 agreement o 01904-551336

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 ro works commencing.

5. All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure.

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur.

Security of the railway boundary will require to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Territory Outside Parties Engineer.

Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

Method statements may require to be submitted to Network Rail's Territory Outside Parties Engineer at the below address for approval prior to works commencing on site. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Territory Outside Parties Engineer and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus avoiding provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land. The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling.

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway.

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

Contact details:

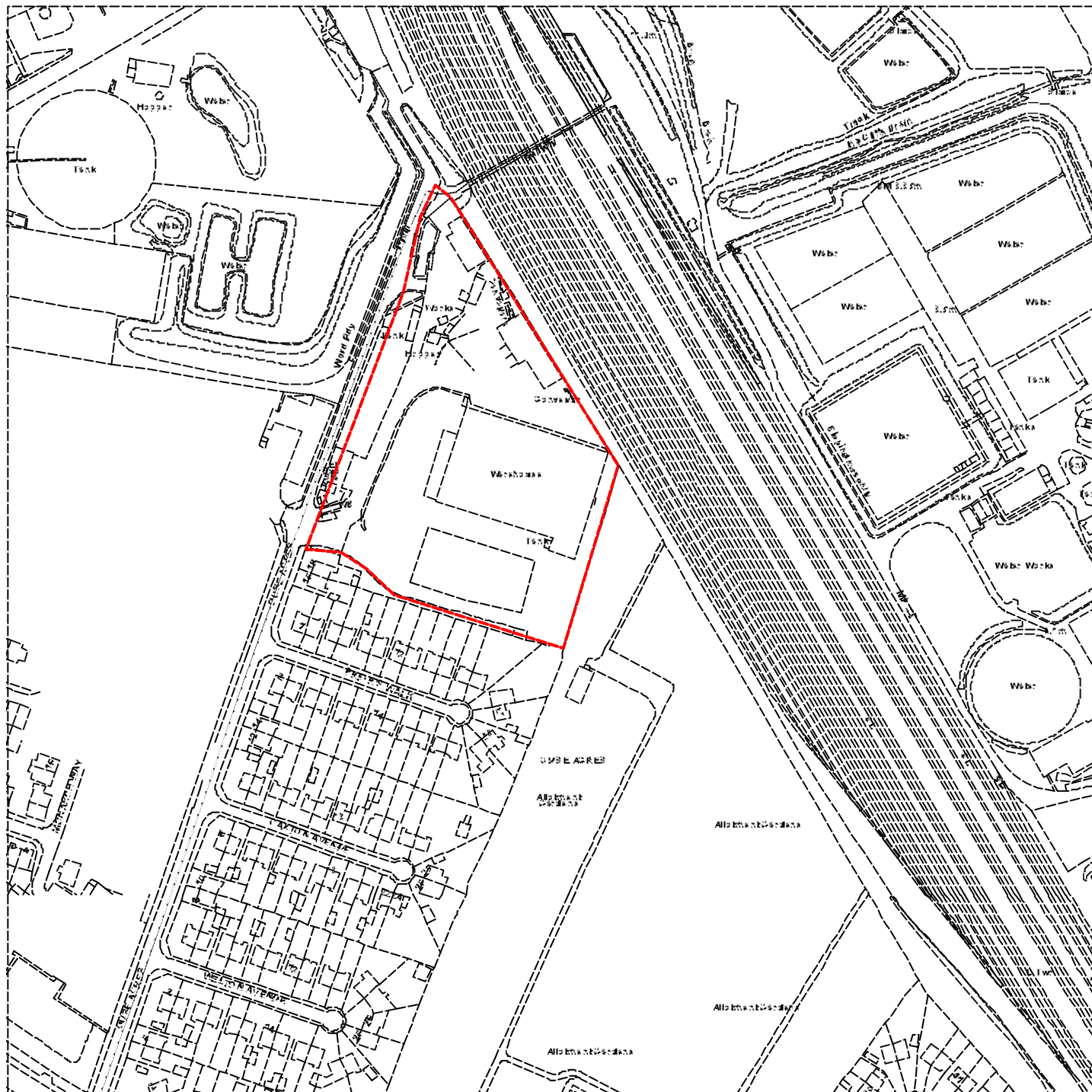
Author: Heather Fairy (Mon - Wed) Development Control Officer
Tel No: 01904 551668

Tarmac Ltd Ouse Acres

07/00056/OUTM



GIS by ESRI (UK)



Scale : 1:2556

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	16 October 2007
SLA Number	Not Set

This page is intentionally left blank

COMMITTEE REPORT

Committee: Planning Committee **Ward:** Fishergate
Date: 25 October 2007 **Parish:** Fishergate Planning Panel

Reference: 07/01399/FULM
Application at: Barbican Centre Paragon Street York YO10 4AG
For: Erection of six storey 160 bedroom 4 star hotel (revised scheme to that approved under 03/04075/GRG4).
By: Golden Tulip York Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 13 November 2007

1.0 PROPOSAL

1.1 This application proposes revisions to the approved scheme for a 126 bedroomed hotel on the same site.

Site History

1.2 Planning permission was granted in September 2004 for the redevelopment of the existing site of the Barbican Leisure complex (ref no 03/04075/GRG4). This gave permission for an auditorium, conference centre, and residential development consisting of 240 apartments, a hotel and alterations to the existing multi-storey car park.

1.3 An application to vary 9 of the 40 conditions of that consent, to allow commencement of work on site prior to compliance with those conditions, was approved in March 2006 (ref no 05/00882/GRG3). An application relating to the leisure centre building involving revisions to the alterations was approved in June 2007 (ref no 06/02632/FUL).

The Application

1.4 The application site relates only to the site of the proposed hotel within the Barbican redevelopment site, and as such a new permission is sought. However the previous permission is a key material consideration and so the proposals needs to be assessed having regard to the approved scheme, which can still be implemented.

1.5 The approved scheme involves the development of a 126-bed hotel including a basement with servicing rooms and 17 car parking spaces (accessed via a car elevator). The semicircular building, sited between the Barbican centre and the residential development closer to Barbican Road, would have 4 other floors, to a height of 22.5 m. The inner part would have an atrium enclosure with bedroom facing into it, a rooftop terrace and balconies on the outer semi circular elevation. The drop off area for coaches /taxis would be from Paragon Street. The total floorspace is 11,915 sq, m. The relevant differences between the proposals are: -

- Increase in the number of rooms with introduction of fifth floor, but without exceeding the height limited by condition of the previous permission (22.5 m). This has been achieved by reducing the floor-to-floor heights.
- An indication of the type of materials to be used on the external surfaces (not specified in the previous application).
- Removal of the roof terrace and addition of a landscaped terrace at first floor
- Removal of the basement floor to simplify construction, reducing costs and archaeological disturbance
- Removal of on site parking and car elevator
- Removal of semi circular inner atrium, lifts and creation of a green wall in external landscaped courtyard. The massing of the building is reduced as a result and all bedrooms would now have natural light and ventilation
- Redesign of main entrance and addition of an entrance atrium.
- Area between the hotel and new residential development to be landscaped to provide external paved area
 - Pedestrian link created to Kent Street
 - Hotel drop off area redesigned
 - Balconies removed from the bedrooms
- Redesign of the elevations and main entrance within the established parameters of the massing and scale of the approved building.
- Total floorspace reduced to 9, 569 sq, m

1.6 The application is accompanied by a Flood Risk assessment, Design statement, Sustainability Statement and Transport Assessment.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Floodzone 2 Flood Zone 2 CONF

Schools Fishergate Primary 0197

2.2 Policies:

CYGP1
Design

CYGP3
Planning against crime

CYGP4A
Sustainability

CYGP11
Accessibility

CYHE2
Development in historic locations

CYHE9
Scheduled Ancient Monuments

CYHE10
Archaeology

CYT4
Cycle parking standards

CYT13A
Travel Plans and Contributions

CYT20
Planning agreements

CYV1
Criteria for visitor related devt

3.0 CONSULTATIONS

3.1 Internal

Highway Network Management - States the scheme has been redesigned to include a cycleway alongside the Paragon street carriageway, with pedestrian movement on a 2 metre wide path along the back edge of the highway boundary. A semicircular drop off/ turning circle at the hotel entrance has been removed to become pedestrian only. Also a raised table is now proposed at the entrance to the lay-by, and a street lighting column is resited to improve cycle safety.

Environmental Protection Unit - raises no objections to the application but recommends conditions as attached to application 05/00882/GRG4 relating to piling operations, noise attenuation, servicing hours, plant and machinery details and use

of roof gardens (although now omitted from the hotel). An informative relating to demolition and construction is also recommended. With regards to air quality, it is stated that the peak hour traffic flows are still less than those assumed in the Foss Basin Study (2003) when there were no significant implications in terms of the Barbican redevelopment.

Environment, Conservation and Sustainable Development - States if at all possible the 4 plane trees at the hotel drop off point should be retained.

City Development - States the policy issues raised in respect of the original application still stand, as there are very few changes, which would require an alternative response. The additional floor results in the actual height being reduced. From a policy point of view this satisfies V£ as the new building will have less impact on the surroundings. The removal of car parking and arrangement to use the multi story car park will satisfy transport policies aiming to reduce car use in the city centre and encourage use of public transport and walking/cycling. Design changes to remove the atrium and alter the face materials will mean the building would have less impact on the City Walls and area in line with policy H2.

3.2 External

Fishergate Planning Panel - No comments received to date.

English Heritage - Have considered the application and does not wish to offer any comments other than to recommend the application is determined in accordance with national and local policy guidance and on the basis of the Council's own specialist advice.

Police Architectural Liaison officer - The access from Kent Street appears unrestricted. The gated access points to the Barbican should be of appropriate fencing to a height of 1.8 - 2 m. Any vulnerable ground floor windows should have opening restrictors fitted.

An access control system should be fitted to discourage casual intrusion. (Various measures are suggested). Also clear signage should be incorporated to improve accessibility and security should be managed through involvement in the York Hotel Watch Scheme with CCTV inclusive in the design. Also collaboration with the Police Authority to consideration of the Secured by Design award is suggested.

Environment Agency - No objections subject to conditions relating to implementation of measures in the flood risk assessment, and the investigation and remediation of any contamination at the site.

Yorkshire Water - recommends conditions relating to the development of the site with separate foul and surface water drainage, and the submission of the details of that drainage.

York Georgian Society - Repeats comments made in respect of the original application for redevelopment of the site in 2004. In relation to the height of the

buildings proposed, and level of amenity space, it questions whether the new hotel will actually be any lower, and doubts that the materials used will not be as locally found as claimed in the sustainability statement.

Reference is made to the updated transport plan, which mentions the use of the multi storey car park by hotel and pool users - which is no longer proposed here. This casts doubt over the accuracy of the parking calculations.

York Tourism Partnership Executive - Welcomes the principle of a new high quality hotel investment in the city in terms of additional accommodation choice available. The Executive would welcome the opportunity to hear more about the operational plans for the hotel, in particular the opening date and would encourage close partnership working with the Barbican site operators. The Executive would be keen to work with the hotel group

York Civic Trust - States it made comments on the previous scheme and many of the points apply to this scheme. The 20% increase in bedrooms will increase the height, the wind tunnel between the hotel and Barbican will remain and the position and the demands for parking spaces, in relation to the new flats is as was criticised previously. The materials are not fully specified, and the submission is misleading in terms of claiming the height is lower.

The arrangement with the car park at the hotel needs to be guaranteed and long term. The movement required to drop off bags and then park at Kent Street would not reduce the impact on local traffic.

The proposal fails to meet the applicant's claim to provide a high quality design with the aim of conserving and enhancing the local character and distinctiveness of the City. The Trust states it feels compelled to object in the knowledge that the Council has by approving the previous scheme committed to a similar proposal

Conservation Area Advisory panel - Felt the elevations to be out of proportion and disliked the strong vertical elevation. It felt there were too many materials on the elevations and that the elevation facing the City Walls did not have materials identified. The proximity of the other buildings was also raised as a concern.

North Yorkshire Fire and Rescue - Has no concerns regarding the planning application, but would expect to be consulted under the Building Regulations.

Other interested parties - 9 Letters have been received in respect of the application, from residents of Scarcroft Hill, Albermarle Road, Willis Street, Anne Street, Stockhill Close Dunnington, Eastfield Lane Dunnington, Danesmead Close, Dodgson Terrace, and Rowntree Wharf,

The comments can be summarised as follows: -

* The development should include a minimum 25 m swimming pool to replace the one lost, and other sports facilities.

- * A six storey development is inappropriate in such a sensitive historic location, close to the bar walls, and lasso close to 2 and 3 storey housing on Fawcett Street and Barbican Road.
- * The deletion of leisure facilities is another broken promise
- * The development will create an increase in noise and light pollution as well as traffic pollution.
- * Residents on Barbican Road will have reduced privacy due to the height and facing windows.
- * There will be an increase in congestion because of the deletion of on site parking, and loss of parking spaces in the multi-storey to this development would lessen this scarce resource.
- * There should be a condition that the hotel is of sufficient quality to gain a 4-star status.

4.0 APPRAISAL

4.1 Key Issues:-

- Impact upon setting of adjacent listed buildings and ancient monument (City Walls) as well as setting of adjacent conservation area.
- Impact of development upon amenity of nearby residents and occupants.
- Highway, traffic and parking implications.
- Implications for air quality and noise related issues.
- Impact on archaeology at the site.
- Security and designing out crime considerations.
- Sustainability issues and energy efficiency of new building

POLICY CONTEXT

4.2 National Policy

The following PPGs/PPSs are considered of most relevance to this application:-

PPS1 (Delivering Sustainable Development) - promotes sustainable development as well as mixed use development, offers guidance on the operation of the plan laid on the system, as well as offering guidance as to the considerations to be taken into account in determining planning applications.

PPG3 (Housing) - seeks to promote the optimum use of previously developed land for residential development, particularly in urban areas. However it requires

development to respect the local character. The developer should not be required to provide more car parking than they are willing to provide particularly in urban areas where public transport is available or where there is a demand for car free housing.

PPG13 (Transport) - the note seeks to promote more sustainable transport choices for people, and to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and seeks to reduce the need to travel especially by car in new developments. It offers guidance on the location of housing in town and city centres to promote more sustainable patterns of development and to make better use of previously developed land. Additional guidance is offered in relation to mix of uses on sites, design and safety.

PPG15 (Planning and the Historic Environment) - Emphasises that new buildings should be carefully designed where they stand along side 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.

PPG16 (Archaeology and Planning) - Confirms that the desirability to preserve archaeological deposits is a material planning consideration, and offers guidance on the handling of remains and the weight to be attached to them in planning decisions.

4.3 Statutory Development Plan (1956 York Town Map).

The 1956 Plan is out of date and is considered to carry little weight in planning terms. The Plan designates the site primarily for Business use and shows the rest as a cattle market. The application for a commercial/business operation on one part of the site is not considered to be a departure from the Plan.

4.4 City of York Draft Local Plan

GP1 - requires a standard of design that respects the local environment.

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.

GP4a - states the principles and criteria for ensuring development proposals meet sustainable development requirements.

GP11 - requires new developments and their open space areas to provide for access and facilities for people with mobility problems as well as carers with children, including parking facilities.

HE2 - states in areas adjoining conservation areas or where the setting of listed buildings, scheduled monuments or nationally important archaeological remains would be affected, development would be expected to respect their settings.

HE9 - states permission will not be granted for development which would adversely affect a scheduled ancient monument or its setting.

HE10 - required development which involves the disturbance of existing ground levels within the area of archaeological importance to be subject to a field evaluation to assess the extent and importance of any remains and requires applicants to demonstrate that less than 5% of any deposits would be disturbed or destroyed. Also where physical preservation in situ is not possible, provision must be made for a professional excavation and recording of the archaeology in accordance with an agreed scheme.

T4 - requires cycle parking to be provided in all new developments in accordance with local plan standards.

T13 - requires developments to provide car parking in accordance with the local plan requirements.

T14 - states the level of off street public car parking in the city centre will reflect and respond to the Transport and Economic development strategies of the Council.

T20 - states where traffic, pedestrians and cyclists could be accommodated by special facilities or appropriate improvements to the highway network affected, applicants will be expected to enter into a section 106 Agreement and a highways agreement to make an appropriate contribution to such improvements.

V1 - seeks to encourage visitor related development and seeks account to be taken of adequate service arrangements, accessibility to public transport routes, increased traffic, parking cycles and pedestrian movement, any improvement in prosperity of tourism industry and the economy, any adverse impact on the reasonable use and enjoyment of adjacent buildings and land, and any adverse impact on the countryside setting of the city.

IMPACT UPON SETTING OF ADJACENT LISTED BUILDINGS AND ANCIENT MONUMENT (CITY WALLS) AS WELL AS SETTING OF ADJACENT CONSERVATION AREA.

4.5 The building is of very similar form to that previously approved. It would retain the circular shape with outer curve towards the residential accommodation approved to the east. The elevations including fenestration and materials are proposed to be different to those previously approved, with the introduction of timber and stone to the facades and the elevation of the external balconies to bedrooms on the outer curve.

4.6 The distance from Paragon Street would remain as approved. The overall height of the building is proposed to be slightly lower than approved, by 0.2 m (overall height 21.9m above ground level) although this is to the top of the plant and machinery which was shown on the top of the building in the approved scheme. The overall ridge height of the actual building itself (minus the plant and machinery) is approx. 400mm higher. Therefore, the main issue with this application is considered to be the impact this will have from a planning point of view on the site and its surroundings and whether this increase / alterations represents a material harm over

that approved. Given the position of the building in relation to the other buildings within the site and Paragon Street, officers do not consider that the alterations to the elevations materially affect the impact that the building would have on the setting of the listed walls or character and appearance for the conservation area. The alterations would if anything help to reduce the apparent massing of the building along Paragon Street, breaking up the façade by using a more considered palette of materials and the removal of all the balconies is also considered a positive change. The materials proposed include timber boarding. The slight increase in the ridge height of less than 0.5 metres is not considered by officers significant given the extent of the development adjacent to it.

HIGHWAY, TRAFFIC AND PARKING IMPLICATIONS.

4.7 The proposal still involves the creation of a drop off bay for coaches and taxis long the Paragon Street frontage, although a half turning circle closer to the entrance has been omitted. Trees along the frontage as previously shown as being retained would again be kept. The amendments to the submitted scheme as listed by the Highway Network Management would improve the convenience and accessibility along this frontage for both pedestrians and cyclists. 2 disabled parking spaces are now shown adjacent to the main entrance; a new pedestrian access from Kent Street has been included to improve permeability.

4.8 With regard to the parking arrangements, the scheme involves the utilisation of the publicly accessible Kent Street car park by hotel guests. This car park is no longer proposed to be reduced in size by its partial demolition to make way for the swimming pool (390 spaces to 270 spaces). The submitted assessment originally assumed the construction of the pool and reduction in number of adjacent spaces, predicting that there would be capacity for the hotel and Barbican users in the car park. It is now acknowledged that with the retention of the whole car park (i.e. 120 spaces more) there would be more than sufficient capacity to cope with the additional demand from this hotel, the other proposed hotel and the Barbican auditorium uses. As such there would not be increased parking pressure on adjacent streets compared to the approved scheme as feared by objectors. As previously agreed, any exceptional additional demand during the evening could be met by George's Field Car Park.

4.9 The removal of the basement car parking in favour of more use of Kent Street car park would not significantly change the pattern of local traffic movements given that access would have been from Kent Street. Further, the updated transport assessment calculates that the hotel would generate up to 50 trips at the am peak and 35 in the pm peak. Combined with the residential development traffic generation peaks hour trips, the levels would still be below those allowed for in the Foss Basin Study.

IMPLICATIONS FOR AIR QUALITY AND NOISE RELATED ISSUES.

4.10 The increase in the number of bedrooms would increase the peak hour trip generation of the site, although as concluded by Environmental Protection, because the levels would still be those predicated in the 2003 Foss Basin Study and still

within accepted limits for the purposes of air quality considerations, there would be no concerns raised to the revised scheme.

4.11 The location of the hotel between the Barbican and the new flats and the removal of the roof terrace from the scheme would help to reduce the potential for noise disturbance from the use of the hotel and its associated facilities. Sound attenuation measures to ensure that guests of the hotel are not unduly disturbed are also recommended by condition.

IMPACT ON ARCHAEOLOGY AT THE SITE.

4.12 The development no longer involves excavation for the creation of a basement at the site or the provision of a car elevator. The impact of ground disturbance would therefore be reduced overall, and the affect on any deposits is therefore reduced. However appropriate watching brief and mitigation measures as attached to the previous permission would be recommended.

SECURITY AND DESIGNING OUT CRIME CONSIDERATIONS.

4.13 The Police Liaison Officer has made comments upon the scheme that largely relate to the details of the operation of the development rather than the initial design details. The measure suggested in terms of CCTV, access control can be subject to conditions of any permission granted.

SUSTAINABILITY ISSUES AND ENERGY EFFICIENCY OF NEW BUILDING

4.14 The application includes a sustainability statement setting out how the submission addresses each of the criteria listed under Draft Local Plan Policy GP4a. An energy detailed statement is also appended. The criteria in the policy are considered in turn below:

a) 'Provide details setting out the accessibility of the site by means other than the car and, where the type and size of the development requires, be within 400m walk of a frequent public transport route and easily accessible for pedestrians and cyclists;'

4.15 The lack of on site parking will tend to discourage travel by private car. There are 8 bus stops within 400m, 2 Park and Ride routes running close to the site, a York Tour bus stop adjacent. Pedestrian routes to the city are reasonably well defined with signalled crossings and quiet streets (through Fishergate Bar). The York Cycle network also runs adjacent to the site on Paragon Street.

b) 'Contribute toward meeting the social needs of communities within City of York (including, for example, housing, community and recreational facilities, car clubs, recycling facilities and communal laundry blocks) and to safe and socially inclusive environments;'

4.16 The statement suggests that the hotel would provide occasional meeting areas for business, social and general assembly use. Function rooms would provide local venues for event such as receptions and parties.

c) 'Maintain or increase the economic prosperity and diversity of the City of York and maximise employment opportunities (including supporting local goods and services providing training and employment for local unemployed and young people);'

4.17 The development is expected to create approximately 80 new jobs in operation, and utilise local suppliers and tradespersons in the construction stage. The hotel would bring more visitor guests to the local area to the area.

d) 'Be of a high quality design, with the aim of conserving and enhancing the local character and distinctiveness of the City;

4.18 The statement asserts that the curved outer facade has been redesigned to present a more sympathetic appearance within the local area. The scale is reduced by smaller elements to the frontage and the use of materials. A Green wall is proposed in the courtyard in place of the glazed atrium.

e) 'Minimise the use of non-renewable resources, re-use materials already on the development site, and seek to make use of grey water systems both during construction and throughout the use of the development.'

4.19 The redevelopment of this brownfield site will incorporate concrete from the demolished buildings. Exterior panels to the bedrooms will be prefabricated and transported to site in recyclable containers. Bathrooms pods would be ready assembled to reduce time, costs and subsequently discarded packaging brought to site.

f) Minimise pollution, including that relating to air, water, land, light and noise;

4.20 Any noise from this site would be from the restaurant, kitchen and bar areas. Appropriate sound attenuation measures would ensure there is minimal disturbance from these areas. All of the rooms would now be naturally ventilated. All bedroom windows would have curtains. The compact design would assist in heat retention and heating requirements in winter. Natural Light would be maximised to the restaurant bar and meeting rooms

g) 'Conserve and enhance natural areas and landscape features, provide open space, wildlife areas and room for trees to reach full growth;'

4.21 Hard and soft landscaping is proposed in front of the outer curve, the trees along paragon Street would be retained apart from where the access would be created as previously approved. The internal courtyards green wall would have pollution absorption and oxygen production properties and provide a pleasant backdrop to this space.

h) 'Maximise the use of renewable resources'

4.22 The energy statement considers the elements to be incorporated into the building to maximise energy efficiency. It recommends the detailed design of all heating and lighting systems to minimise energy waste and maximise opportunities for natural ventilation and lighting. The use of solar thermal, photovoltaic and

combined heat and power sources is considered. Because of the buildings nature, the measures that are recommended for further consideration are photovoltaic cells and combined heat and power

i) 'Make adequate provision for the storage and collection of refuse and recycling'.

4.23 The refuse collection and recycling area would be shared with the Barbican and be served via Kent Street. It would be of sufficient size to allow convenient collection of recyclables.

REDUCED LEISURE FACILITIES IN THE HOTEL

4.24 The provision of a gym facility within the hotel was not part of the requirements for replacement leisure facilities resulting from the previous application for the site. There was no obligation or condition imposed requiring provision within the hotel. A mini gym facility is shown on the second floor of the revise scheme. The omission of more extensive facilities from this scheme does not present grounds for now resisting the application or insisting on the inclusion of such facilities. The applicant maintains that the lack of such facilities does not affect the potential 4-star rating of the hotel (although this again is not material to the determination of the application).

5.0 CONCLUSION

5.1 The amended scheme for the hotel at the site largely reflects the approved details in terms of location, form, height and design, albeit with an increase in the number of bedrooms proposed. The impact on the setting of the City Walls would not be notably different, nor would the impact in terms of traffic generation despite the loss of 17 spaces from the basement car park.

5.2 In planning terms the revised scheme does not present new issues that would warrant refusal or further amendment of the application.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 The development shall be begun not later than the expiration of the three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

2 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.

3 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 construction work on any of the buildings that form part of this phase of the development and the works shall be carried out in accordance with the approved details.

External lighting, signage, doors, windows, balconies, eaves, glazing and curtain walling joints.

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

4 A sample panel of the brickwork to be used on this building shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of any works to any of the buildings that form part of this development. This panel 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.

5 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 construction work on any of the buildings that form part of this phase of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

6 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (an archaeological excavation and subsequent programme of analysis and publication by an approved archaeological unit) in accordance with the 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 prior to destruction.

7 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.

8 No development shall take place until the applicant has submitted a detailed mitigation strategy (covering excavation, watching brief, analysis, publication, archive deposition, and public involvement) and this has been agreed in writing by the Assistant Director (Planning and Sustainable Development).

Reason. This development will have an effect on important archaeological deposits which are preserved within the site

9 No construction work on any of the buildings hereby permitted as part of this phase of the development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs to be planted;. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

10 Prior to the commencement of any construction work on any of the buildings approved by this permission 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.

11 None of the existing trees shown to be retained on the approved plans, (including those along the Paragon Street frontage which shall be retained except where removal is required for creation of the hotel entrance layby) shall be wilfully damaged or destroyed or uprooted, felled, lopped or topped without the previous written consent of the Local Planning Authority until 12 calendar months after

completion of the permitted development. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased before the end of that period shall be replaced with trees of such size and species as may be agreed in writing with the Local Planning Authority.

Reason: The Local Planning Authority considers it important to safeguard these trees in a positive manner so as to secure their continued well being.

12 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.

13 HWAY19 Car and cycle parking laid out

14 HWAY31 No mud on highway during construction

15 HWAY40 Dilapidation survey

16 Other than the demolition of the buildings no development approved by this permission shall commence until the applicant has undertaken an investigation to assess the impact of the site on the water environment; identify the risk of pollution and specify any remedial measures required; and a method statement detailing these measures has been submitted to, and approved, by the Local Planning Authority. Thereafter, the development shall then proceed in strict accordance with the measures approved.

Reason. To assess the risks to the water environment; to prevent pollution of the water environment.

17 No construction work on any of the buildings approved by this permission should 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: The site is contaminated/potentially contaminated and piling could lead to the contamination of groundwater in the underlying aquifer.

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

19 All construction works, including ancillary operations such as deliveries to and dispatch from the site, that are audible at the site boundary or other position as defined by the local planning authority, 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 local residents.

20 The building envelope for the hotel shall be constructed so as to provide sound attenuation against external noise of not less than 35 dB(A), with windows shut and other means of ventilation provided. The detailed scheme shall be approved in writing by the local planning authority and fully implemented before each dwelling is occupied.

Reason: To protect the amenity of hotel residents.

21 Upon completion of the development, use of the joint service yard for the hotel/Barbican and the Barbican service yard, shall be confined to the following hours:

Monday to Saturday	08.00 to 21.00
Sundays and Bank Holidays	9.00 to 18.00

Reason: To protect the amenity of local residents

22 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible at the hotel accommodation, shall be submitted to the local planning authority for written 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 amenity of local residents.

23 There shall be adequate facilities for the treatment and extraction of cooking odours. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for written 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 local residents.

24 Details of the works and provision to facilitate disabled access and movement

within the site and to the buildings permitted shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented before the use is commenced or the building is occupied.

Reason: To ensure adequate provision for access within the development.

25 Prior to the commencement of any works on site, 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 that the safety of the general public, the method of securing the site, access to the site and the route to be taken by vehicles transporting the demolition and construction material.

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

26 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.

27 No gate, door or ground floor window shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users

28 Prior to the commencement of the use hereby approved, provision shall be made within the site for accommodation of delivery/service vehicles in accordance with the approved plans. Thereafter all such areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To ensure that delivery/service vehicles can be accommodated within the site and to maintain the free and safe passage of highway users.

29 The development shall not be brought into use; until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the kerb to match adjacent levels.

Reason. In the interests of good management of the highway and road safety.

30 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 the approved plans, or arrangements entered into which ensure the same.

- Hotel dropping off layby, Paragon Street
- Pedestrian crossing points, Kent Street

- Relocated bus stop, Kent Street
- Improvements to pedestrian crossings at Fishergate Bar

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

31 Prior to the commencement of any works, a safety audit (stages 1,2 and 3) shall be carried out and submitted for approval, in accordance with the advice produced by the Institution of Highways and Transportation (IHT guidelines for the safety audit of highways1990) and guidance issued by this Council, covering all all off-site highway works associated with this development.

Reason - in the interests of highway safety.

32 Prior to occupation of the development details of CCTV coverage for the site shall be submitted to and agreed in writing by the Local Planning Authority. The surveillance system shall thereafter be installed in accordance with the agreed details.

Reason: In the interests of crime reduction and the appearance of the development within the locality

33 The developer shall incorporate measures as described in the sustainability statement within the development that will commit them to aim to achieve the equivalent of a BREEAM "very good" or "excellent" assessment standard for the development. 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 provide a sustainable form of development

34 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 21.9 metres as measured from existing ground level (or 35.4m AOD). Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

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

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 residential amenity, effect on highway and pedestrian safety and convenience, setting of the adjacent City Walls and Conservation Area and archaeology on the site. As such the proposal complies with Policies GP1, GP3, GP4a, GP11, HE2, HE9, HE10, T4, T13, T14, T20, and V1 of the City of York Local Plan Deposit Draft.

2. 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

3. The developer's attention should also be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval:

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.

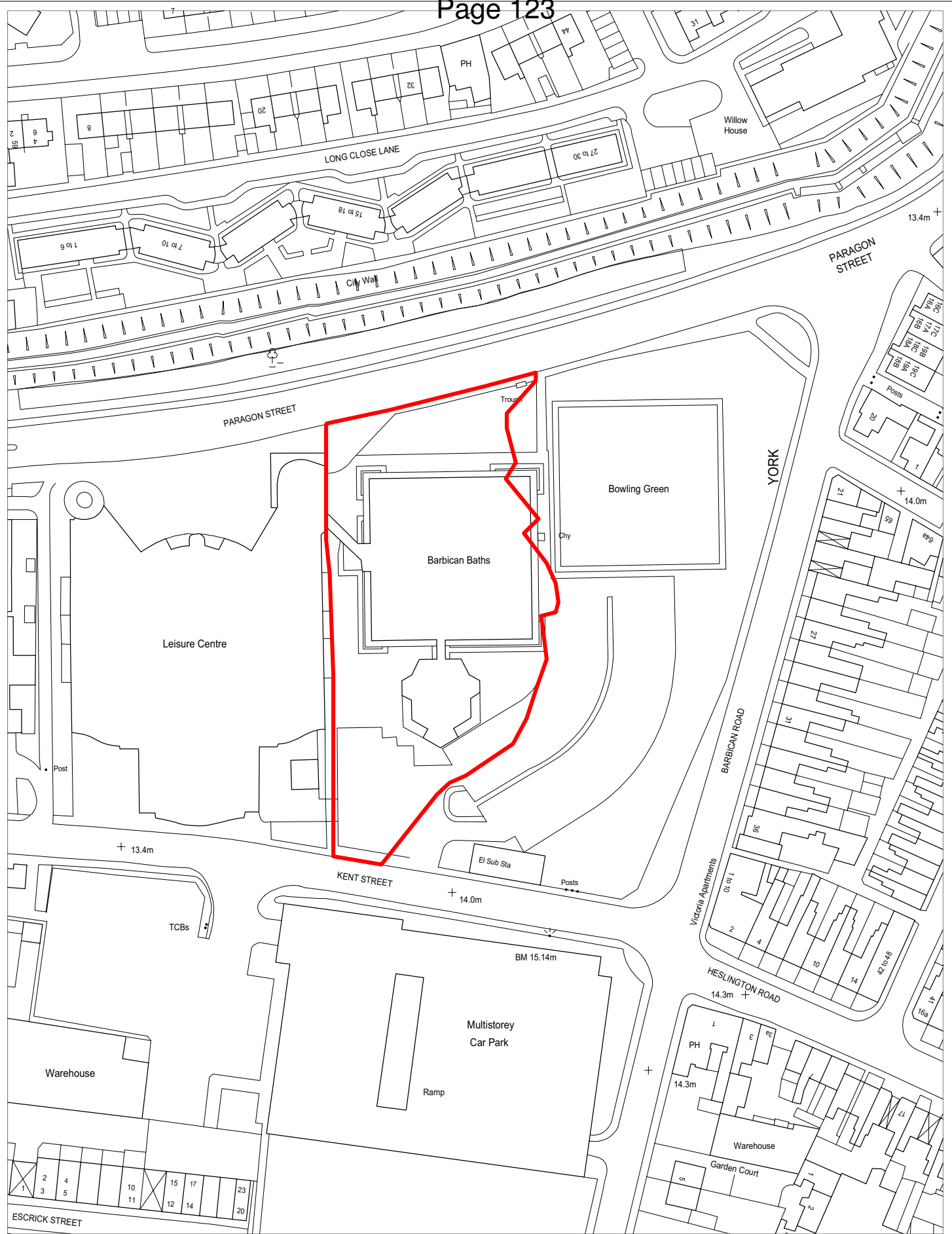
f) There shall be no bonfires on the site.

Contact details:

Author: Matthew Parkinson Development Control Officer

Tel No: 01904 552405

This page is intentionally left blank



GOLDEN TULIP HOTEL, BARBICAN SITE - 07/01399/FULM

SCALE 1:1250
Originating Group

DRAWN BY PSL
Project

DATE 16/10/2007
Drawing No.

9, St. Leonards Place, York, YO1 2ET
Telephone: 01904 551550

Produced from the 1993 Ordnance Survey 1:1250 mapping with the permission of the Controller of Her Majesty's Stationery Office
© Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

City of York Council LA 1000 20818

This page is intentionally left blank

COMMITTEE REPORT

Committee: Planning Committee **Ward:** Westfield
Date: 25th October 2007 **Parish:** No Parish

Reference: 07/01345/GRG3
Application at: Oaklands Sports Centre Cornlands Road York YO24 3DX
For: Extensions to existing sports centre to provide swimming pool and associated facilities including additional car parking and associated plant. New canopy to existing sports centre entrance.
By: City Of York Council
Application Type: General Regulations (Reg3)
Target Date: 6 September 2007

1.0 PROPOSAL

1.1 The applicant seeks planning approval to extend the existing sports centre to include a 25 metre pool, learner pool, hydrotherapy suite, extended gym, changing village, pool viewing gallery, staff welfare facilities and associated plant rooms. Improvements are also proposed to the main entrance with an extension to the community room to provide crèche facilities and a new entrance canopy.

1.2 Members will recall that this application was deferred from Committee on 30th August so that further consideration could be given to Member concerns regarding spectator provision, depth of the main pool, size of the hydrotherapy pool, and other design details. The applicant has responded with additional information relating to these issues as appended to this report (appendix 1). In summary the document states :-

- * The hydrotherapy facilities are appropriate for the size of activities required and are more conducive to the needs of service users.
- * The new hydrotherapy pool will provide an improvement in specification and quality compared to the current facilities at Yearsley Bridge and will also create an inclusive environment.
- * The swimming pool has been designed to focus on "casual community swimming" by virtue of the "Excellent Facilities" document and is consistent with Active York's long term strategy for swimming provision.
- * Spectator areas will accommodate 40 customers in 2 rows of 20 seats, which is considered sufficient enough to address the requirements arising from organised swimming lessons.
- * In summary, the design, layout and mix of facilities will offer increased opportunity for sports participation and will contribute to raising the standard of facilities available in line with the aspirations of Active York.

1.3 In February 2006 the Council agreed a Swimming Strategy for the city that included investment in Edmund Wilson Swimming Pool. Following consultation with residents in 2006 about the options available to improve swimming in the West of York, it was decided to build a new community pool on the Oaklands Site rather than refurbish the Edmund Wilson pool. This new pool will replace the provision of

Edmund Wilson Pool and result in the aforementioned closure once an appropriate scheme has been agreed.

1.4 The existing sports centre at Oaklands School was reopened in September 2006, after £1.8m worth of improvements were made. The improvements included a new climbing centre, dance studio, fitness suite, changing rooms, bar/viewing area, reception/offices, ICT suite and the replacement of the outdoor synthetic pitch.

RELEVANT HISTORY

1.5 07/00515/GRG3 - Two Storey and Single Storey Extension, External Alterations, Infilling of Existing Courtyard and New Car Park. Alterations to Entrance from Cornlands Road - Approved 06.06.07

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 Oaklands 0252

2.2 Policies:

CYED3

Change of use of Pre-School, Primary and Secondary Educational Facilities

CYGP4A

Sustainability

CYED1

Primary and Secondary Education

CYED11

Protection of Playing Fields

CYGP1

Design

CYL1A

Sites for Leisure development

3.0 CONSULTATIONS

INTERNAL

3.1 Environmental Protection Unit - No Objections , recommends conditions and an informative.

3.2 Highway Network Management - No objections, any further detailed comments to be reported to Committee.

3.3 Design, Conservation and Sustainable Development - No Objections; landscaping condition to be Included.

3.4 City Development - No Objections.

3.5 York Consultancy - Initially objected due to inadequate drainage information, although the applicant has since submitted additional drawings showing drainage details and layouts. Revised comments from the York Consultancy will be reported to the meeting.

EXTERNAL

3.6 Sport England - No Objection subject to inclusion of conditions (conditions included in recommendation).

"The proposed development is for an indoor and outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields"

3.7 Other Third Parties - One letter of objection has been received with regard the applicants' proposals. The letter raises concern that the limited spectator provision , concentrated at the learner end to both the learner pool , is a 'major design failure' which does not allow maximum community involvement.

4.0 APPRAISAL

4.1 Key Issues:-

- * Policy Context
- * Highway Issues
- * Protection of Trees
- * Neighbouring Amenity
- * Design
- * Lighting
- * Sustainability
- * Response to Received Comments
- * Additional Comments from the Applicant in Response to the Committee Deferral.

POLICY CONTEXT

North Yorkshire Structure Plan

4.2 Policy R1 States 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.

4.3 Policy R9 states 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.

City of York Draft Local Plan

4.4 Policy ED1: Primary and Secondary Education

Planning applications for new/extended primary and secondary education facilities will be granted permission provided that:

- a) it would meet a recognised need; and
- b) the proposed development is of a scale and design appropriate to the character and appearance of the locality; and
- c) an area of open space and playing fields, sufficient to meet the needs of pupils is incorporated in the development; and
- d) where a development is capable of a joint or dual use for community benefit, this has been incorporated into the design.

4.5 Policy ED11: Protection of Playing Fields

The loss of playing fields associated with educational establishments will not be permitted, unless exceptional circumstances are proven to exist. Where education establishments are due to close the development of associated playing fields, will not be permitted where they can be used to address deficiencies in the surrounding area.

4.6 Policy GP1: Design

Development proposals will be expected to :

- a) respect or enhance the local environment;
- b) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, using appropriate building materials;
- c) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment;
- d) where appropriate incorporate informative landscapes design proposals, where these would clearly have an influence on the quality and amenity and/or ecological value of the development;
- e) retain, enhance and/or create urban spaces, public views, skyline, landmarks, the rural character and setting of villages and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view;

- f) design outdoor lighting schemes, which are energy efficient and provide the minimum lighting level required for security and working purposes, taking into account any adverse impact on residential amenity, the character of the area and night sky illumination and ecological systems;
- g) provide and protect private, individual or communal amenity space for residential and commercial developments;
- h) provide individual or communal storage space for waste recycling and litter collection;
- i) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures;
- j) accord with sustainable design principles (GP4a) and incorporate the principles of the Building for Life Standard as a fundamental part of the design;
- k) provide disabled toilets/parent baby changing facilities in public, non-residential buildings;
- l) Where opportunities exist, new open space/landscape treatment should be incorporated to close gaps between green corridors and take account of ecological principles through habitat restoration/creation.

4.7 L1a: Leisure Development:

Leisure development is considered appropriate on the following sites:

YC1 York Central.

E12e, H1.12 Hungate.

S1c - Land at Foss Islands.

S1d - Part of Heworth Green.

Out of centre locations will only be considered for leisure developments when it can be demonstrated in accordance with Policy SP7, that none of the above or alternative City Centre or Edge of Centre sites are suitable to accommodate such a proposal, or if the proposal is primarily to serve local need and is of a suitable scale.

4.8 ED3: Change of Use of Pre-School, Primary and Secondary Educational Facilities:

Planning Permission will only be granted for the redevelopment or change of use of pre-school, primary and secondary education facilities where;

- a) it can be demonstrated that the existing site is surplus to the existing or future needs of the local catchment area.
- b) It can be demonstrated that alternative acceptable sites for the existing use can be provided: and
- c) The proposal is of a scale and design appropriate to the character and appearance of the locality; and
- d) The proposal would not result in a loss of facilities for the local community; and
- e) Any redevelopment or extension of existing facilities should have minimal impact on surrounding residential amenity.

4.9 GP4a - Sustainability:

Requires that proposals for development should have regard to the principles of sustainable development including accessibility of the development site by means other than the private car, contributing to the social needs of the community (including housing), high quality design, enhancing local character and making adequate provision for storage and collection of refuse.

HIGHWAY ISSUES

4.10 In line with the CYC City Development and Transport requirements, a Traffic Impact Assessment was commissioned to report on all transport issues into and around the Oaklands site.

4.11 Improved cycle/pedestrian links on Gale Lane and Cornlands Road, the inclusion of a crossing point on Gale Lane and Cornlands Road, improvements to the existing access points have all been considered as part of the York High School Application and all were considered adequate to deal with the increase in pedestrian and traffic movements in and around the application site. Associated parking for the Sports Centre will be located to the east of the site and incorporates 73 additional parking spaces, 7 of which are suitable for disabled use. In total 40 additional parking spaces have been provided; and all cycle parking will be located close to, and be visible from, the main Reception area.

4.12 Cycle and pedestrian access will be provided from Gale Lane. The access runs to the south of 152 Gale Lane and has been included to reduce the usage of the sites main entrance. All work to increase safety on local cycle and pedestrian routes to "York High School" and the Sports Centre/Swimming Pool will be carried out in accordance with Highway recommendations

4.13 No management plan has been provided, however a working group has been set up to agree details. Conditions will be included to ensure the management plan is submitted for the written approval of the Local Planning Authority prior to the new facilities being first brought into use.

PROTECTION OF TREES

4.14 The Landscape Architect had raised concerns regarding the removal of a Maple tree to the rear of the Cadet Hall. The parking plans have now been revised to retain the aforementioned tree. The future of all trees both proposed and existing have their future management/maintenance are secured by condition LAND1.

NEIGHBOURING AMENITY

4.15 The eastern elevation of the new swimming pool (which measures 12 metres at its highest point) is located approx. 67 metres from the rear elevations of the properties on Gale Lane. The nearest parking spaces although running parallel with the rear boundary fence and existing hedgeline of the aforementioned properties are located approx. 25 metres from these elevations. These distances are considered sufficient enough to mitigate any significant impact upon the the visual and residential amenity of these properties.

DESIGN

4.16 The applicants have considered the following design principles:-

4.17 A new canopy is proposed at the main entrance to the sports centre, this will both provide a major uplift to the public entrance and also form a link to the new school extensions. The canopy will replicate proposals for the school courtyard infill and the internal details of the new swimming pool hall. The canopy is at a height to allow emergency vehicles to access the rear of the school and the synthetic turf pitch.

4.18 The design of the superstructure of the building has been influenced significantly by the requirements for the building to be a climate container. Robust materials have been incorporated externally, focussing on the lower 2.5 metres of the envelope, to reduce the risk of vandalism at the facility. Dark corners have been designed out of the proposals to encourage natural surveillance and overhanging eaves are incorporated to single storey elements to restrict roof access.

LIGHTING

4.19 No lighting details have yet been provided. Two conditions; one to prevent light pollution and one specifying a "turning off" time (specified at 23:00hrs) have been included to ensure that future lighting does not adversely affect any nearby residents.

SUSTAINABILITY

4.20 Part 2 of the Sustainability Statement shows a clear commitment by the applicant to embrace sustainable principles. The key components of the energy hierarchy include:

- * New Bio-mass boilers utilising combustible pellets.
- * Solar thermal water heaters (located on the roof).
- * Energy efficient lighting.
- * Rainwater harvesting (to serve the toilets).
- * Considerable insulation has been provided within the building s structure and electrical systems and plant have been designed with energy reduction measures included.

4.21 These strategies when developed in conjunction with each other, will aid in considerably reducing the amount of harmful greenhouse gases, which may be expected from a facility of this nature.

4.22 The building fabric has been designed to far exceed current Part L2 (building regulations) requirements. The applicant is aiming to achieve a BREEAM rating of Very Good for the new build. Conditions are included to ensure these ratings are achieved.

4.23 The Sustainability Statement also considers the recycling /reusing of materials, sustainable energy, water use/natural drainage, site/waste management, contamination and the natural environment.

RESPONSE TO COMMENTS RECEIVED

4.24 The one letter received in respect of the application raises the issue of spectator provision. The proposals do incorporate a viewing gallery, and the development is for a community pool rather than a competition pool. Sport England have raised no objection to the level of spectator provision. It is not considered that there is any planning basis to require the provision of additional spectator facilities for this community leisure development.

ADDITIONAL COMMENTS FROM THE APPLICANT IN RESPONSE TO THE COMMITTEE DEFERRAL.

4.25 The applicant has submitted additional information in response to initial concerns raised regarding the Hydrotherapy and Swimming Pool provisions. The aforementioned document is attached as Appendix 1.

4.26 In summary the applicant states that:-

- * The hydrotherapy facilities are perfectly appropriate for the size of activities required and are more conducive to the needs of service users.
- * The new hydrotherapy pool will provide an improvement in specification and quality compared to the current facilities at Yearsley Bridge and will also create an inclusive environment.
- * The swimming pool has been designed to focus on "casual community swimming" by virtue of the "Excellent Facilities" document and is consistent with Active York's long term strategy for swimming provision.
- * Spectator areas will accommodate 40 customers in 2 rows of 20 seats, which is considered sufficient enough to address the requirements arising from organised swimming lessons.
- * In summary, the design, layout and mix of facilities will offer increased opportunity for sports participation and will contribute to raising the standard of facilities available in line with the aspirations of Active York.

5.0 CONCLUSION

5.1 The applicants' proposals will provide a much needed facility for the surrounding area and the City as a whole, the proposals also improve existing highway and parking provisions without harm to the visual and residential amenity of neighbouring properties and is therefore recommended for approval.

6.0 RECOMMENDATION: Approve under General Regs 3 Council Dev

1 TIME2 Development start within three years

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

9356 (2)11 ver3 - Proposed Ground Floor.
9356 (2)12 ver3 - Proposed First Floor.
9356 (2)13 ver3 - Proposed Roof Plan.
9356 (2)10 ver3 - Proposed Basement Floor.
9356 (2)50 ver3 - Proposed Elevations.
9356(2)09 RevA - External Works.
T5463/2 Rev 2 - Topographic Survey.
D202 Rev P1 - General Arrangement of Surfacewater Storage Tanks and Slot Drainage Channels.
D201 Rev P1 - Drainage Details.
D200 Rev P1 - Drainage Details.
D101 Rev P2 - Proposed Drainage Layout.

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 Prior to the development hereby approved coming into use details of the illumination of the site shall be submitted to and approved in writing by the Local Planning Authority and the agreed scheme implemented and maintained on site thereafter. The lighting scheme should include the following:

- * a contour map with illumination levels of the area to be lit and the spill beyond the lit area given in lux in the horizontal plane;
- * the angle of the lights and details of the beam - whether asymmetric or otherwise;
- * the height of the lighting stanchions;
- * the luminance level in lux in the vertical plane at the windows of the nearest residential properties.

Reason: To protect the amenity of near by residents from light intrusion from lighting.

4 The use of lighting as described in the lighting scheme shall be confined to the following hours:

Monday to Friday	07:00 to 23:00
Saturday	07:00 to 23:00
Sundays and bank holidays	07:00 to 23:00

Reason: To protect the amenity of near by residents from light intrusion from the car park lighting.

5 The use hereby permitted shall be confined to the following hours:

Monday to Friday	07:00 to 23:00
Saturday	07:00 to 23:00
Sundays and bank holidays	07:00 to 23:00

Reason: to protect the amenity of local residents from noise

6 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible at any noise sensitive boundaries 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, times of operation and any proposed noise mitigation measures. All such approved machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use and shall be appropriately maintained thereafter.

Reason: to protect the amenity of local residents from noise

7 VISQ8 Samples of exterior materials to be app

8 HWAY19 Car and cycle parking laid out

9 Prior to the commencement of the development hereby approved details of playing field provisions (showing existing and proposed) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure playing field facilities are reprovided to a satisfactory level.

10 LAND3 Protection of existing planting

11 Prior to the commencement of development details of all hard surfacing shall be submitted for the written approval of the Local Planning Department, all new surfacing should be of porous construction and retained as such thereafter.

Reason: In the interests of sustainable development.

12 A Car Park Management Plan for the site shall be submitted to and approved in writing by the Local Planning Authority prior to the new facilities being first brought into use. The Plan shall thereafter be implemented in full to the satisfaction of the Local Planning Authority.

Reason: In the interests of the safety and convenience of pedestrians, cyclists and motorists using the Centre.

7.0 INFORMATIVES: Notes to Applicant

1. Demolition and Construction - Informative

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a scheme remediation to the satisfaction of the Local Planning Authority. Should City of York Council become

aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

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

i) All demolition and construction works and ancillary operations, including deliveries to and despatch 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.	

ii). 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".

iii). 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.

iv) 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.

v). 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.

vi). There shall be no bonfires on the site

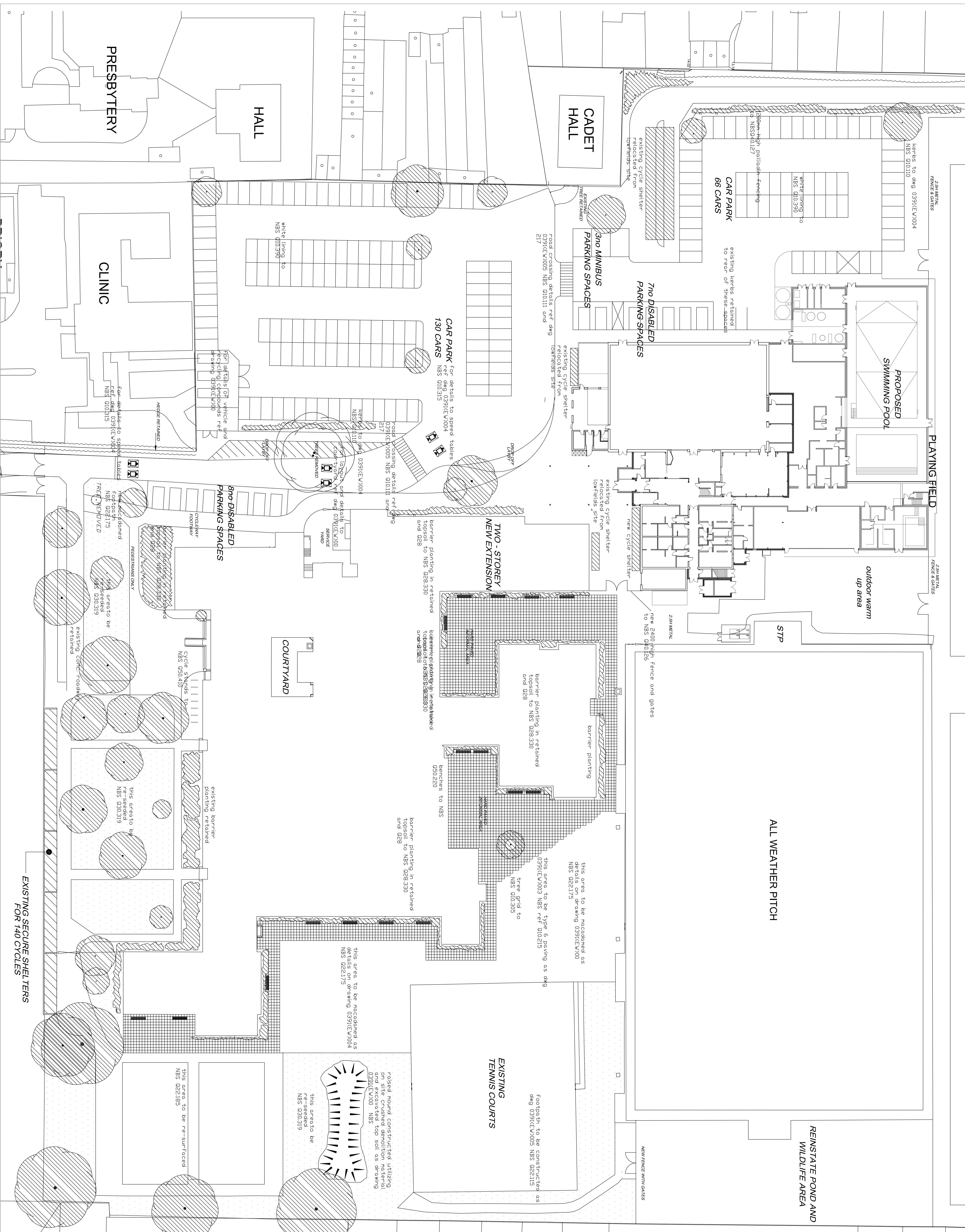
2. REASON FOR APPROVAL

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 residential and visual amenity, highway safety, sustainability and design . As such the proposal complies with Policies R1 and R9 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies ED1,ED11,GP1,L1a,ED3 and GP4a of the City of York Local Plan Deposit Draft.

Contact details:

Author: Richard Mowat Development Control Officer
Tel No: 01904 551416

This page is intentionally left blank



ALL WEATHER PITCH

REINSTATE POND AND WILDLIFE AREA

REV	DESCRIPTION	DNI	QCD	DATE
A	CAR PARK ARRANGEMENT	NB	AM	15.8.07
B	DRAWING REVISION	NB	AM	11.10.07

VERIFICATION STATUS	VERIFIED BY	DATE
INTEGRATION / DESIGN		
PLANNING		
BUILDING CONTROL		
REQUIREMENT		
TENDER		
CONSTRUCTION		
FINAL BIDDING / CONTRACTING		
RISK ASSESSMENT CHECK		
ACCESS / IBC COMPLIANCE CHECK		

W^M SAUNDERS PARTNERSHIP LLP WSP

Project: GYMNASIUM POOL

Client: CITY COUNCIL OF YORK

Title: EXTERNAL WORKS GA

Date: 07.05.17 Drawing No. 8582008 Rev B

Drawn: KB Scale: 1:250 @ A0

ADVISORS:
 CONSULTING ENGINEERS
 QUANTITY SURVEYORS
 COST CONSULTANTS
 PROJECT MANAGERS
 BUILDING SURVEYORS
 PLANNING SUPERVISORS

Mattew Murray House
 57 Wakefield Road
 Wakefield WF1 3DU
 Also at: London, Newark, Nottingham, Cardiff
 e-mail: info@saunderspartners.co.uk
 website: www.saunderspartners.co.uk

This page is intentionally left blank

FILE NOTE**CONTRACT:** YORK HIGH SWIMMING POOL**OUR REF:** 9356.3.4**DATE:** 12 October 2007**NAME:** ANDREW LASLETT - CYC**THE HYDROTHERAPY POOL**

Work to commission the design of the hydrotherapy pool has been undertaken collaboratively by staff from:

- o The Learning Disability Service - The Manager and Deputy Manager of Yearsley Bridge centre and the LD Service Physiotherapist
- o The Senior Physiotherapist from the hospital
- o Learning Culture and Children's Service

Dimensions

The dimensions of the pool are slightly smaller than the current Yearsley Bridge pool (7m x 3.5m compared to 7m x 4m) but the size is perfectly appropriate for the size of activities that are required. In comparison to other local facilities, Hobmoor hydrotherapy pool is 5m x 5m, so very similar in water space capacity.

The layout of the pool, toileting and changing facilities are much more conducive to the needs of service users than existing facilities. The space has been designed to allow for tracking hoists to go directly into the pool area, an improvement on what is currently available and an essential feature allowing supported access to the pool itself.

The depth of the pool is the same as that in the existing facility and has a sloping floor to accommodate different exercise regimes requiring differing water depth.

The pool could support a session of a maximum of 8 people using it at any one time, staff and customers. The maximum number in Yearsley Bridge is 9 although sessions involving this number are very rare. The facility will mainly be used for 1:1 sessions or 2:1 sessions to ensure that the therapeutic benefits of using the pool are achieved.

Expectations of Service Users

The new pool will provide an improvement in specification and quality compared to the current facilities at Yearsley Bridge and will also create an inclusive environment (rather than being situated in a segregated day centre). In this way it will meet both the practical requirements of the customers and support staff and the social inclusion agenda of people with a learning disability being treated as equal citizens.

In addition, as the general pool opening hours will be greater than the Yearsley Bridge facility, there will be greater opportunity for people to access the facility. Customers with sports injuries for example will be able to benefit by accessing this pool for rehabilitation.

FILE NOTE

Consultation

We were aware of those customers who currently use the existing facility and their need to continue to access hydrotherapy as a therapeutic need / benefit. Consultation with families identified this as one of the key re-provision issues relating to the centre. Furthermore, person-centred reviews for each customer have clarified which customers need to access the therapeutic benefits of structured hydrotherapy sessions (as opposed to general swimming).

Staff have also been consulted about and involved in pool design and operating procedures.

Operation of the pool

The management of the hydrotherapy pool will be performed by the same people who will manage the overall pool facility.

The first access to this hydrotherapy facility will be for those customers who are City of York Council Housing and Adult Social Services customers. These customers already have a specific treatment / therapeutic plan to be followed. They are customers of Yearsley Bridge and some from other learning disability services who currently access Yearsley Bridge pool. For this customer group the facility will be staffed by City of York Council staff who are specifically trained to undertake hydrotherapy sessions, and this staffing will be paid for and managed by HASS. Staff members do not work alone with customers due to procedural and health and safety guidelines, so customers accessing this facility will always be accompanied by another supporter, whose role is to assist the pool worker. This is the same as the current operating procedures. These customer specific workers helping the customer to access the facility will be scheduled by the HASS staff member.

The use of the pool for this cohort of customers will initially be Monday - Friday during normal office hours. However, discussions are taking place regarding extended use for some other groups of customers who may benefit from this facility.

There are of course, a myriad of operating procedures relating to safe and healthy use of the facility which are currently employed by staff at the Yearsley bridge facility and these will still be appropriate to operating the new facility.

FILE NOTE**THE SWIMMING POOL**

The design of the pool is fully consistent with Active York's long term strategy for swimming pool provision. Their document entitled "Excellent Facilities" identifies the need for a publicly accessible competition pool in the South or East of the city to cater for competition and gala uses as well as community demand; and the need for the other pools in the city to focus on casual community swimming. This pool on the York High site is designed specifically to cater for the local community, casual users, school groups and swimming lessons. The main pool's length (25m), width (13m - 6 lanes), and depth (1m at the shallow end increasing to 2m at the deep end) are able to accommodate this mix of activities.

In comparison to Edmund Wilson Pool the length is equal at 25m with the width of the proposed new pool being slighter larger by 0.5m which allows more space in the two outside lanes. The depth at Edmund Wilson Pool starts at 1m at the shallow end increasing to 3.7m at the deep end. There is no negative impact in this reduction of depth, for example diving courses and skills can be taught in water over 1.8m deep. The positives include safer pool floor gradients, so there is no sudden drop off for non-swimmers getting out of their depth, less water to treat and heat which will reduce the pools operating costs.

The learner pool is 7m x 13m, which is 0.5m wider than Edmund Wilson Pool and the depth starts at 0.8m to 1m. This depth was selected in consultation with swimming teachers and the Amateur Swimming Association to be a suitable teaching depth. This compares to 0.75m to 1.35m at Edmund Wilson Pool.

The facilities have been designed to complement the existing sports centre facilities and where possible share facilities e.g. reception and social space. Due to Department of Children Families and Schools (formerly DfES) requirements for school playing fields it is important to note that the pool has been designed to have a limited land take and to minimise the impact on the grass area. The design makes good use of the space behind the sports centre while also being fully in accordance with Sport England's Handbook of Swimming Pool Building Design.

The changing village design removes a significant number of barriers to participation for families and disabled customers. It also improves access for cleaning and security in the changing areas. The extensive provision for disabled bathers both in the hydrotherapy pool and in the main pool complements the existing provision for disabled users in the gym. This facility will increase the opportunity for disabled residents to participate in sport (a group who are known to have a low participation rate in the city at present).

The spectator area will accommodate 40 customers in 2 rows of 20 seats with further standing space behind. The busiest times for spectators are during swimming lessons. The pool will accommodate 5 groups of 8 individuals in lessons so 40 seats will provide for an average of one parent spectator per child with further room to stand and observe change-overs, etc. There are also other areas in the building suitable for non-participants to wait, notably the café.

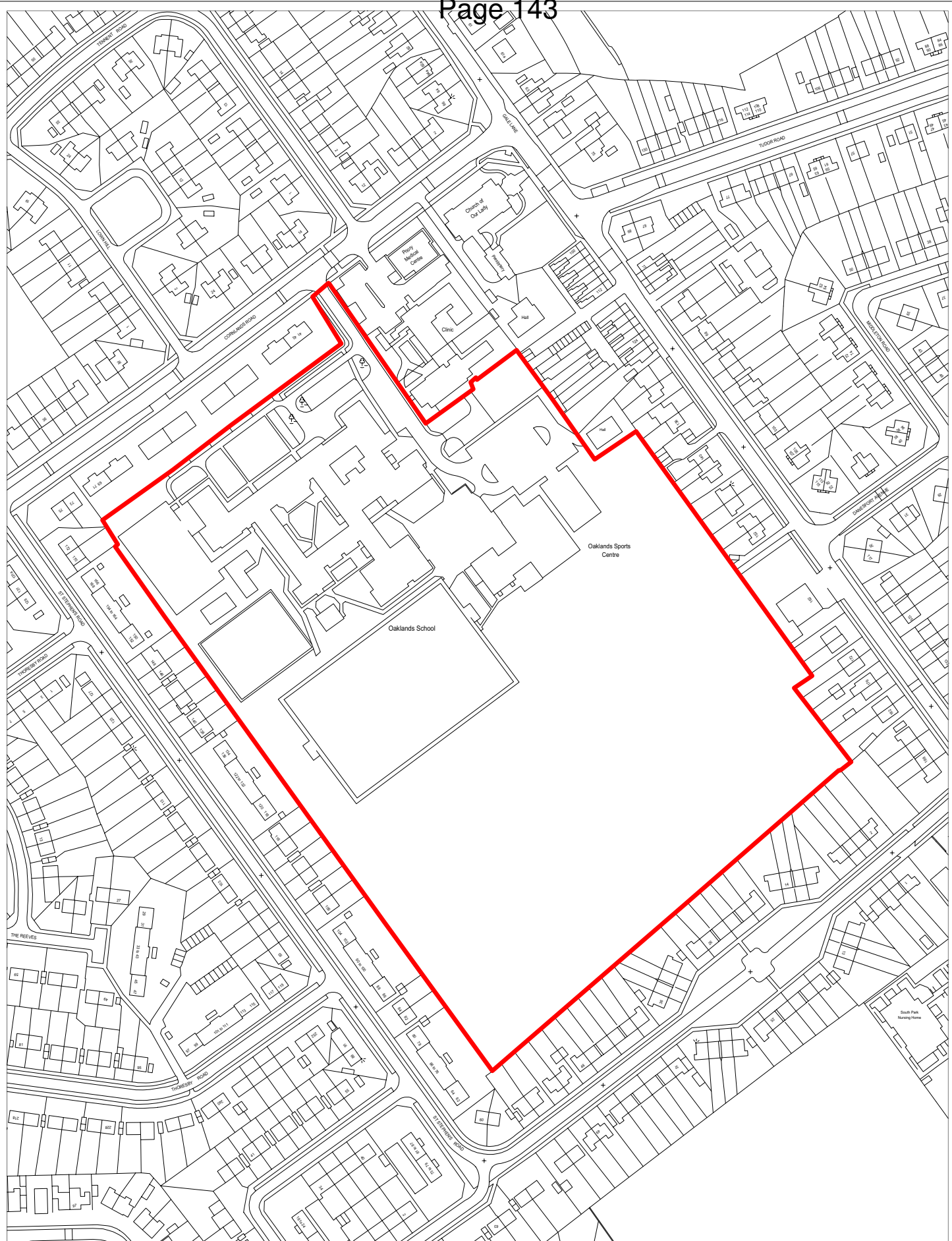
The spectator area has views into the pool hall and the gym and will allow both disabled gym users and swimmers to be supported by non users.

FILE NOTE

Edmund Wilson Pool currently provides spectator seating for 150 people, however this is used only at swimming gala events (no more than 5 days a year) and is not to be provided in this community pool facility. The “Leisure facility strategy” (see Executive report 23 October 07) identifies the need for one competition pool in the city which will provide spectator seating for 250 spectators minimum. This will be at York University where the section106 agreement for the new campus obligates the University to provide a competition standard pool with community access.

There will be seating on benches down the pool side though this will be for swimmers, teachers, and other participants. It will not be available to general spectators or anyone wearing outdoor shoes.

In summary, the design, layout and mix of facilities will offer increased opportunity for sports participation and will contribute to raising the standard of facilities available, in line with the aspirations of Active York.



CITY OF
YORK
COUNCIL

OAKLANDS SPORTS CENTRE - 07/01345/GRG3

SCALE 1:2500
Originating Group

DRAWN BY PSL
Project

DATE 21/8/2007
Drawing No.



9, St. Leonards Place, York, YO1 2ET
Telephone: 01904 551550

Produced from the 1993 Ordnance Survey 1:2500 mapping with the permission of the Controller of Her Majesty's Stationery Office
c Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

City of York Council LA 1000 20818

This page is intentionally left blank