



## Notice of a public meeting of Planning Committee

- To:** Councillors Horton (Chair), Galvin (Vice-Chair), Ayre, Boyce, Burton, Crisp, D'Agorne, Doughty, Firth, King, McIlveen, Reid, Riches, Simpson-Laing, Watt and Williams
- Date:** Thursday, 20 February 2014
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

### AGENDA

Would Members please note that the mini bus for the Site Visit for this meeting will depart Memorial Gardens at 12.30pm on Tuesday 18<sup>th</sup> February 2014.

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

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

#### **2. Minutes (Pages 5 - 14)**

To approve and sign the minutes of the meeting of the Planning Committee held on 23<sup>rd</sup> January 2014.

### 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 on Wednesday 19<sup>th</sup> February 2014**. 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.

**Please note that this meeting, including public speakers, will be sound recorded to allow members of the public to listen to the proceedings without having to attend the meeting. The sound recording will be uploaded onto the Council's website following the meeting.**

### 4. Plans List

This item invites Members to determine the following planning applications:

**a) York Sports Village, Lakeside Way, Heslington, York (13/03754/FULM). (Pages 15 - 24)**

A major full application by The University of York for the erection of an outdoor velodrome with ancillary parking, lighting and landscaping. [Heslington Ward].

**b) Land Lying to the North of Brecks Lane, Strensall, York (13/03267/FULM) (Pages 25 - 76)**

A major full application by Linden Homes North for a residential development of 102 dwellings with associated highways infrastructure, landscaping and public open space. [Strensall Ward] *[Site Visit]*

**c) Hungate Development Site, Hungate, York (13/03015/FULM) (Pages 77 - 108)**

A major full application by Hungate York Regeneration Limited for the erection of part 5/part 6 storey building comprising 195 residential units, 1 new commercial unit (flexible use with uses classes A1, A2, A3, A4 or D1), parking, access and landscaping. [Guildhall Ward]

**5. Appeals Update. (Pages 109 - 122)**

This report informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1 October to 31 December 2013, and provides a summary of the salient points from appeals determined in that period.

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

Democracy Officer:

Name: Laura Bootland

Contact Details:

- Telephone – (01904) 552062
- E-mail – [laura.bootland@york.gov.uk](mailto:laura.bootland@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.

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**PLANNING COMMITTEE**

**SITE VISITS**

**Tuesday 18<sup>th</sup> February 2014.**

<b>TIME</b>	<b>SITE</b>	<b>ITEM</b>
<b>12:30</b>	<b>Coach leaves Memorial Gardens</b>	
<b>12:50</b>	<b>Land North of Brecks Lane (Heath Ride access)</b>	<b>4b</b>

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City of York Council

Committee Minutes

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Meeting	Planning Committee
Date	23 January 2014
Present	Councillors Horton (Chair), Galvin (Vice-Chair), Ayre, Boyce, Burton, D'Agorne, Doughty, Fitzpatrick (Substitute), King, McIlveen, Orrell (Substitute), Reid, Riches, Simpson-Laing, Watt and Williams
Apologies	Councillors Crisp and Firth

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**44. Site Visits**

Site	Reason for Visit	Members Attended
Hallfield Road	To enable members to familiarise themselves with the site	Horton, Galvin, Watt, Boyce and King, Reid and Mcilveen.
North Selby Mine	To enable members to familiarise themselves with the site	Horton, Galvin, Watt, Boyce and King

**45. Declarations of Interest**

At this point in the meeting, Members were asked to declare any personal, prejudicial or pecuniary interests they may have in the business on the agenda.

Councillor McIlveen declared a personal non prejudicial interest in relation to agenda item 4a, Hallfield Road, as a landlord of a student house in multiple occupation.

Councillor Mcilveen also declared a personal non-prejudicial interest in agenda item 4b, North Selby Mine, due to his employment as a Surveyor acting for Northern Powergrid, the operators of the Primary Electricity Substation adjoining or within the confines of the application site.

**46. Minutes**

Resolved: That the minutes of the last meeting held on 19<sup>th</sup> December 2013 be approved subject to the following amendments:

Councillor Fitzpatrick be added to the attendance list as a substitute.

Councillor McIlveen's declaration of interest be amended to state he is a member of the Ramblers Association.

At minute item 41, the spelling of principle be changed to 'Principal'.

At minute item 43, add the word 'some' to reflect that only some members raised concerns about the delay to the Our Lady's application.

**47. Public Participation**

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme.

**48. Plans List**

Members then considered two reports of the Assistant Director (Development Services, Planning and Regeneration) relating to the following planning applications, which outlined the proposals and relevant planning considerations and set out the views of the consultees and officers.

**49. Proposed Student Accommodation, Hallfield Road, York (13/03522/FULM)**

Consideration was given to a major full application for the erection of student accommodation in two new four storey buildings providing 326 bed spaces with associated car and cycle parking, access and landscaping following the demolition of existing buildings.

Officers circulated an update to the committee report, full details of which are attached to the online agenda for this meeting. The main points were as follows:

- The Environment Agency had confirmed they have no objections to the application.
- Ecology scoping report is acceptable.
- A further condition for bat mitigation and conservation.
- Additional archaeology condition.

Mr. Crolla had registered to speak as the applicants agent. He advised that he endorsed the officers recommendation and the applicant was keen to get the scheme underway and ready for occupation in 2015/16. Substantial discussions had taken place with planning officers, residents and local businesses and he was satisfied that the scheme was comprehensive and of good quality design.

Members queried the size of the units. The agent confirmed they were the same size as used elsewhere and were of a satisfactory size. In response to questions, the agent also confirmed that the apartments would be managed by a student accommodation management company.

Resolved: That the application be approved subject to the imposition of conditions outlined in the officers report and the following additional conditions:

No development shall take place until full details of the measures for bat mitigation and conservation have been submitted to and approved by the Council.

The measures should include:

- i. A plan of how demolition work is to be carried out to accommodate the possibility of bats being present.
- ii. Details of what provision is to be made within the new buildings to replace the features lost through the demolition of the original structure. Features suitable for incorporation for bats include the use of special tiles, bricks, soffit boards, bat boxes and bat lofts and should at least replace or substitute for what is existing.

The works shall be implemented in accordance with the approved details and timing unless otherwise approved in writing by the Council.

Reason: To take account of and to enhance the habitat for a protected species. It should be noted that under NPPF the replacement/mitigation proposed should provide a net gain in wildlife value. To ensure the development is in accordance with the recommendations of the Scoping Survey by Brooks Ecological submitted 09 January 2014.

Archaeology condition - request condition ARCH2 (archaeological watching brief).

Reason: The proposed development will regenerate the area and add to the vitality and viability of this part of the city centre. The loss of employment land will not conflict with national planning policy and there is no evidence that the proposed use will have an undue impact considering crime and disorder. The development will be sustainable and will have no undue impact on the amenity of occupants of the neighbouring dwellings.

**50. North Selby Mine, New Road, Deighton, YO19 6EZ  
(12/03385/FULM)**

Consideration was given to a major full application by Mr. Richard Barker for the demolition of existing buildings and re-profiling of bunds and areas of the former North Selby Mine, construction of an anaerobic digestion combined heat and power facility and horticultural glasshouse and associated infrastructure works.

The Council's Solicitor addressed the Committee to advise that in the opinion of officers and the external Planning Barrister consulted by the local planning authority, all the points of note raised in the detailed letter received from Cunnane Planning (attached to the online agenda) have been addressed in the committee report or in the officers' update but that it is important that Members have read and understood the full contents of that letter.

Officers briefly provided background details to the application following the Committees decision to approve it in April 2013 being successfully challenged at the High Court. The application was being presented back to Committee for reconsideration taking into account the reasons for the successful challenge.

An update to the committee report was circulated, full details of which are attached to the online agenda for this meeting. The main points were as follows:

- Further objections had been received since the committee report was published. Copies were made available to Members.
- Response to the Cunnane Planning letter.
- Amendments to conditions 2, 4 and 7.

Colin Davies had registered to speak as a local resident living within half a mile of the site. He advised that he considered there to be a number of reasons to refuse the application such as noise, water pollution and an increase in traffic in the area. The main issue he did not agree with was the special circumstances for development in the Green Belt. He stated that with 270 similar plants in the country he did not see why this site

had been selected. He requested that Members consider carefully and discuss the matter of special circumstances.

Dr. Hill had registered to speak in objection to the application. He advised that the land is in the green belt and there are no special circumstances to allow the application. He also had concerns about the application site being too close to Sheepwalk Farm, planning conditions not being met and the potential for the shortening of lives due to the environmental impact, he referred to a study by the University of Utrecht. He suggested that the applicant should consider other sites and that the land should be sold to the community for use as a community site.

Mrs Williams had registered to speak in objection as a resident directly affected by the proposal. She strongly objected to the application in particular that residents were being asked to give up their amenity and accept the special circumstances outlined in the officers report. She referred to paragraph 4.87 of the committee report which outlined the cumulative factors for special circumstances and advised that she could not accept that residents should suffer for any of the factors. She also raised concerns about highway safety on the A19 and the fact that there were already safety concerns and the recently reduced speed limit at Deighton reflected this.

Richard Hardy had registered to speak as a local resident and in his capacity as a chartered surveyor. He advised that the speakers before him had covered many of his points but reiterated that he did not agree with the special circumstances for development in the green belt. He advised that through his work he had not encountered the applicant searching for alternative sites and questioned why the site was so important to the applicant. He also questioned the safety of heavy goods vehicles turning right out of the site and advised he had taken measurements which indicated this would not be safe and would rely on lorry drivers using their judgement. In bad weather conditions such as fog, the turning could be even more dangerous.

Mr Bedford had registered to speak as the farmer occupying Sheepwalk Farm, directly facing the site. He advised that the mine had been a blight for the 3 decades he had occupied the farm since British Coal gave him a tenancy. He stated that UK

coal had promised that the land would be returned to agriculture and that he would be able to buy the land but this had not happened, instead he was informed that the site was to be developed. He raised concerns about the proximity of the greenhouse to the front of his property and the impact upon his amenity due to noise and smells coming from the site.

Mr. Randon had registered to speak as the Chair of Wheldrake Parish Council. He stated that the whole of the proposed development would be in the draft green belt, there would be a negative impact upon residents and an impact on Wheldrake indirectly. He stated that in the York and Selby area there wasn't enough food manufacturers or schools to produce enough waste to supply the plant. He also referred to the Draft Waste Plan and considered that the site scored poorly in the assessment method for waste sites. He urged the Committee to reject the application.

Mr. Oldridge had registered to speak in objection to the application. He advised that there were numerous other anaerobic digestion plants in the UK and circulated details of these to Members. He questioned why waste would be brought from the M62 corridor to this site. He suggested that the use of the gas fired boiler in winter would cancel out any energy saved in the summer and questioned how much of a contribution the plant would make to the national grid.

Councillor Barton had registered to speak as Ward Member for Wheldrake. He advised that rarely had he seen a village so united against something and that public consultations on the proposal had been boycotted by residents. The village had been promised that the site would be returned to agriculture but this had not happened. He stated that the A19 south was already congested particularly at the Designer Outlet and the additional traffic as a result of the proposals was unacceptable. He raised concerns about the smell from the site and the fact it will be carried by the wind towards Wheldrake and Escrick.

Claire Harron had registered to speak as the agent on behalf of the applicant. She advised that the application encourages sustainable development and there is an assessed need for the proposal. In relation to the application site, she advised that no other viable sites are available within the York and Selby area. The application had been made in consultation with planning

officers and in line with policy. The application had been designed to limit the impact on the Green Belt.

In answer to a number of questions, the applicant's agent and the Planning Officers made the following points:

- The boiler would be sized to be able to provide full heat demand but it is only for back-up and to top up heat levels in the winter.
- Bio-mass is a possibility instead of the gas boiler.
- The applicant would be willing to liaise with Mr. Bedford on the scheme.
- The site is likely to remain derelict if the development does not go ahead.
- Beyond York and Selby, the applicant had looked at 362 sites within a 50km radius.
- In relation to noise issues the Council's Environmental Protection Officer confirmed that noise from an increase in traffic on the A19 and on New Road was considered to be within accepted limits. Noise from the haulage and service yard and the operation of the plant was not considered to be insignificant and would need to be controlled by condition.

Members entered debate on the application. Some Members did not support the application due to it being development in the draft green belt and the concerns raised by residents. Following further lengthy discussion, the officer's recommendation to approve, subject to referral to the secretary of state, was moved by Councillor Riches and seconded by Councillor Simpson - Laing.

Councillor D'Agorne then moved an amendment to add a condition for highways officers to discuss restricting HGV's turning right out of the site. Councillor Orrell seconded. On being put to the vote this amendment was lost.

The motion to approve the officers' recommendation, in the names of Councillors Riches and Simpson Laing was then put to the vote and it was:

Resolved: That the application be approved subject to referral to the Secretary of State and the following amended conditions:



Condition 2 - The development hereby permitted shall be carried out in accordance with the following plans:-

Drawing no. PP-001 Rev. P1A 'Application Site Local Plan' dated September 2013.

Drawing no. PP-009 Rev. P1A 'Proposed Roof Plan' dated April 2013

Condition 4 - the fourth paragraph of the condition should state the following:

Finished floor levels are set no lower than 8.75m above Ordnance Datum (AOD) for the AD Building and 8.5m AOD for the adjacent CHP building and tank farm.

Condition 7 - Note: The combined rating level of all noise associated with fixed plant or equipment at the site should not exceed 25dB(A), 1 hour, free-field at a location representative of the nearest noise sensitive facades when assessed in accordance with BS4142: 1997, this being the design criterion adopted by EPU, including for any acoustic correction for noises which contain a distinguishable, discrete, continuous note (whine, hiss, screech, hum, etc.); noise which contain distinct impulses (bangs, clicks, clatters, or thumps); or noise which is irregular enough to attract attention.

Reason: Overall, it is concluded that the identified adverse impacts as described in the committee report do not significantly and demonstrably outweigh the benefits also as described. Therefore, the application is on balance recommended for approval, subject to the prior referral to the Secretary of State due to the identification of the Anaerobic Digestion facility as inappropriate development in the green belt.

Cllr D Horton, Chair

[The meeting started at 4.30 pm and finished at 7.00 pm].

**COMMITTEE REPORT**

**Date:** 20 February 2014      **Ward:** Heslington  
**Team:** Major and      **Parish:** Heslington      Parish  
Commercial Team      Council

**Reference:** 13/03754/FULM

**Application at:** York Sports Village Lakeside Way Heslington York YO10 5FG

**For:** Erection of an outdoor velodrome with ancillary parking, lighting and landscaping

**By:** University Of York

**Application Type:** Major Full Application (13 weeks)

**Target Date:** 19 March 2014

**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 This is a full application for the construction of a 250m-long, 7m-wide, tarmac-surfaced, outdoor velodrome. The track would be oval-shaped and banked at each end. The base of the track and the central oval would be at existing ground level. The banking at each end would rise to 4m above existing ground level and have a gradient of approximately 18%. The track profile would be achieved by creating earth banking to support the track. The bank would be topped by a 2m-wide footpath for spectator viewing. A handrail and fence along the top of the bank would provide protection for spectators. The centre of the oval would be partly hard surfaced and partly grassed.

1.2 Vehicular access would be from Hull Road via the main access into the campus. Overflow parking for 119 cars would be provided on land to the east of the swimming pool car park, accessed from the movement spine. An additional 12 parking spaces (including two accessible spaces) would be provided close to the velodrome for picking up and dropping off. Lighting would be provided to allow the velodrome to be used during the early evening. The track would not be used in bad weather as any rainfall would make the surface dangerous to use.

1.3 The velodrome would be used by members of the public and cycling clubs - i.e. not just by university students and staff. Therefore the application cannot be considered as ancillary to the university and requires a full, rather than reserved matters, application.

1.4 The layout shows the location of a future cycling building, which would serve the velodrome and the existing road racing cycle circuit. Funding and design of the building have yet to be determined so a separate planning application for it would be sought at a later date. It is envisaged that the building would be single storey and contain toilets, changing rooms, bike storage space and a couple of small offices/meeting rooms.

## PLANNING HISTORY

1.5 Outline planning permission for the campus was granted in 2007 (04/01700/OUT, amended by 08/00005/OUT). In 2012 full planning permission was granted for an athletics track and closed road racing cycle circuit with ancillary overflow parking, lighting and fencing (12/02306/FULM). The athletics track was to replace the council-operated track at Huntington, which would be demolished as part of the Stadium/John Lewis development at Monks Cross South. The cycle track has been built and is in operation but the proposal for an athletics track has been abandoned in favour of improved facilities at Heslington West. The proposed velodrome would be located on the site of the approved athletics track. The proposed overflow car parking would be as approved.

## 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Draft (Development Control) Local Plan Policies:

CYGP1 - Design

CYGP9 -Landscaping

CGP15A - Development and Flood Risk

CYED9 - University of York New Campus

CYL1A - Sites for Leisure development

## 3.0 CONSULTATIONS

### INTERNAL

3.1 Planning and Environmental Management (Landscape) - No objections. Add a condition to secure a fully detailed planting plan and maintenance thereafter.

3.2 Planning and Environmental Management (Archaeology) - The site lies in an area that has produced significant archaeological features and deposits dating from the third millennium BC to the medieval period. A scheme of further archaeological work has been discussed with the applicant and this scheme of work must be

implemented before any construction works commence. This scheme of work can be covered by a planning condition.

3.3 Environmental Protection Unit - No objections. Conditions should be attached regarding a construction environmental management plan, hours of construction, possible contamination, submission of a lighting impact assessment and hours of use of the floodlighting.

#### EXTERNAL

3.4 Heslington Parish Council - No response.

3.5 Heslington Forum - The University regularly engages with stakeholder groups at the Heslington East Community Forum. The council's community planning officers sent all forum members details of the application on 6 December 2013. No responses have been received.

3.6 Ouse & Derwent Internal Drainage Board - No objections.

3.7 Sport England - Supports the application. The proposal addresses an identified need for this type of facility and has the potential to be benefit to cycling in the locality. We are comforted by British Cycling's close involvement, which will result in an appropriately designed facility. We welcome the commitment to making it available to the local community, which should be made a condition of approval.

3.8 Public Consultation - The consultation period expired on 7 February 2014. No responses have been received.

## 4.0 APPRAISAL

### APPLICATION SITE

4.1 Site of approved athletics track inside the road racing cycle circuit within Heslington East Sports Village of the university campus. The site is largely devoid of significant vegetation other than three mature Oak trees close to but outside the northern boundary.

### PLANNING POLICY CONTEXT

4.2 National planning policy is set out in the National Planning Policy Framework (NPPF). The essence of the framework is the presumption in favour of sustainable development which, for decision-taking, means approving without delay development proposals that accord with the development plan. Where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless: (1) any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the

framework taken as a whole; or (2) specific policies in the framework indicate development should be restricted (paragraph 14). Local planning authorities should seek to approve applications for sustainable development where possible and work with applicants to secure developments that improve the economic, social and environmental conditions of the area (paragraph 187).

## PRINCIPLE OF THE USE

4.3 The National Planning Policy Framework recognises that opportunities for sport and recreation can make an important contribution to the health and well-being of communities. It states that planning decisions should: ensure that established facilities are able to develop and modernise in a way that is sustainable and for the benefit of the community; and ensure that their location is considered in an integrated way. Planning policies for access to open spaces and opportunities for sport and recreation should be based on robust and up-to-date assessments of need. The principle of using the site for sport and recreation was accepted by the Secretary of State when outline consent for the campus was approved. The facilities would complement the existing sports facilities at the Sports Village, particularly the road racing cycle circuit.

## VISUAL APPEARANCE

4.4 The National Planning Policy Framework recognises that good design is a key aspect of sustainable development and should contribute positively to making places better for people (paragraph 56). It states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (paragraph 64). The proposals would be low rise and partially screened by the earth banking and landscaping. It would be visible from some nearby sections of the A64 but their visual impact would not be out of keeping with the character of the campus, subject to appropriate landscaping. The flood lighting has yet to be designed but it would be much less intense than the approved lighting for the aborted athletics track. The proposals comply with the National Planning Policy Framework and policy GP1 of the local plan.

## TRANSPORT

4.5 The National Planning Policy Framework states that developments should be located and designed where practical to give priority to pedestrian and cycle movements, and have access to high quality public transport. Access to the Sports Village, including the velodrome, is from the movement spine, which takes its access from Hull Road. The campus is well served by public transport and there are good facilities for cyclists. The proposed overflow car park to the east of the swimming pool building has already been approved by the planning permission for the athletics track and road cycle racing circuit.

4.6 The anticipated increase in traffic would not have a material impact on the adjacent highway network and in reality would be unperceivable when considered against current traffic flows on the adjacent highway network. Traffic flows are likely to be much less than for the approved athletics track.

## LANDSCAPE

4.7 Policy GP9 of the local plan states that, where appropriate, development proposals should incorporate a suitable landscaping scheme that is an integral part of the proposals and include an appropriate range of species that reflect the character of the area. The earth mounding and planting adjacent to the A64 provides a screen and natural reprieve from the university campus at its eastern end. The levels at the top of the banks of the velodrome appear to be no greater than the earth bank. The lighting columns however will peek above this. The existing young woodland planting will eventually soften this effect. Due to the rise in land further north of the site plus additional tree planting, the largely grassed proposal will sit fairly comfortable in its context. The proposed trees are nearly all native and would be in keeping with the parkland setting. The velodrome would take up less land than the previously proposed athletics track thereby allowing the retention of the mature oaks located just outside of the northern boundary of the application. They should be protected during construction.

## ENVIRONMENTAL PROTECTION

4.8 The proposal is likely to have a negligible impact on the nearest existing residential dwellings which are at least 700m to the north and 800m to the west.

4.9 Floodlighting would comprise approximately 6 to 8 floodlights to achieve 150 Lux at the 250m racing line (at the inside line of the slope). There may also be a need for some low level lighting to the centre of the track, where warm-up and officiating facilities would be provided for formal competition events. The overall level of lighting would be less intrusive than the six 18m high columns, with a level of 258 Lux across a wider area that have already got planning consent as part of the athletics track application.

4.10 Conditions should be attached regarding contamination, construction noise/vibration/dust, operational noise, hours of operation and lighting levels.

## 5.0 CONCLUSION

5.1 Whilst the application is not pursuant to the outline consent for the campus, it complies with the outline consent and land use plan approved by the Secretary of State in 2007. The velodrome would be in the same general location as the approved athletics track but would have lesser impacts in terms of footprint, lighting, site coverage and lighting levels. The proposal complies with the National Planning Policy Framework and relevant policies of the local plan.

**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: P(0-)LP001, (0-)S001/B, (0-)P001/B, D095.P.002/1, and D095.P.003/1.

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

3 VISQ8 Samples of exterior materials to be app -

4 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details. They shall include construction details of the velodrome, car park, and road/parking paving together with details of the connection to existing swale(s).

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

5 Before the commencement of development a method statement regarding protection measures for the existing trees located close to the perimeter of the site shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing to be shown on a plan. The protective fencing will also include as much of the area of proposed soft works as practicable. The works shall be carried out in accordance with the approved method statement, including the line of the protective fencing, which shall be adhered to at all times during development operations to create exclusion zones. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing and retained in place at all times.

Reason: To ensure protection of existing trees before, during and after development which make a significant contribution to the amenity of the area and/or development, and have bio-diversity value; and to minimise trafficking and compaction of soil over areas to be planted.

6 Prior to the development hereby approved a car park management plan shall have been submitted to and approved in writing by the Local Planning Authority. Said plan shall set out the measures and initiatives that will be implemented to control and manage the car park in order to prevent its use for long stay parking and by non patrons of the facilities it serves. Measures should include a barrier control system and charging regime. The car park management plan shall be implemented prior to the development hereby approved being brought into use and shall be



implemented hereafter unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of highway safety, and to promote sustainable transport trips by staff and users of the Sports Complex

7 During construction of the development hereby approved the Construction Environmental Management Plan for the Heslington East campus, approved by the local planning authority, shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To safeguard the amenity of residential occupants on the site and in the surrounding area and in the interests of highway safety.

8 HWAY18 Cycle parking details to be agreed -

9 HWAY19 Car and cycle parking laid out -

10 No development shall take place until a full Lighting Impact Assessment undertaken by an independent assessor has been submitted to and been approved in writing by the Local Planning Authority. The report shall detail predicted light levels at neighbouring residential properties and contain the following as a minimum

a. Description of the proposed lighting: number of lighting columns and their height, and proposed lighting units.

b. Plan showing vertical illuminance levels (Ev), showing all buildings within 100 metres of the edge of the site boundary

Artificial lighting to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone - E2 contained within Table 1 of the Institute of Light Professionals Guidance Notes for the Reduction of Obtrusive Lighting

The external floodlighting for the velodrome shall not be in operation outside the hours of 08:00 to 22:00 on any day.

Reason: To safeguard the amenity of occupants of neighbouring premises.

11 All demolition and construction works and ancillary operations which are audible beyond the boundary of the Heslington East Campus as outlined in red on the approved land use plan C(i) of outline consent 08/00005/OUT, 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 amenities of residential occupants of the site and in the surrounding area.

12 In the event that contamination is found at any time when carrying out the approved development, the findings shall be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment shall be undertaken and where remediation (clean-up) is necessary a remediation scheme shall be prepared, which is subject to the approval in writing of the Local Planning Authority. Remediation shall be carried out in accordance with the approved remediation scheme. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To protect human health and the wider environment.

13 Use of the velodrome shall not be open to customers outside the hours of 08:00 to 22:00 on any day.

Reason: To safeguard the amenity of occupants of neighbouring premises.

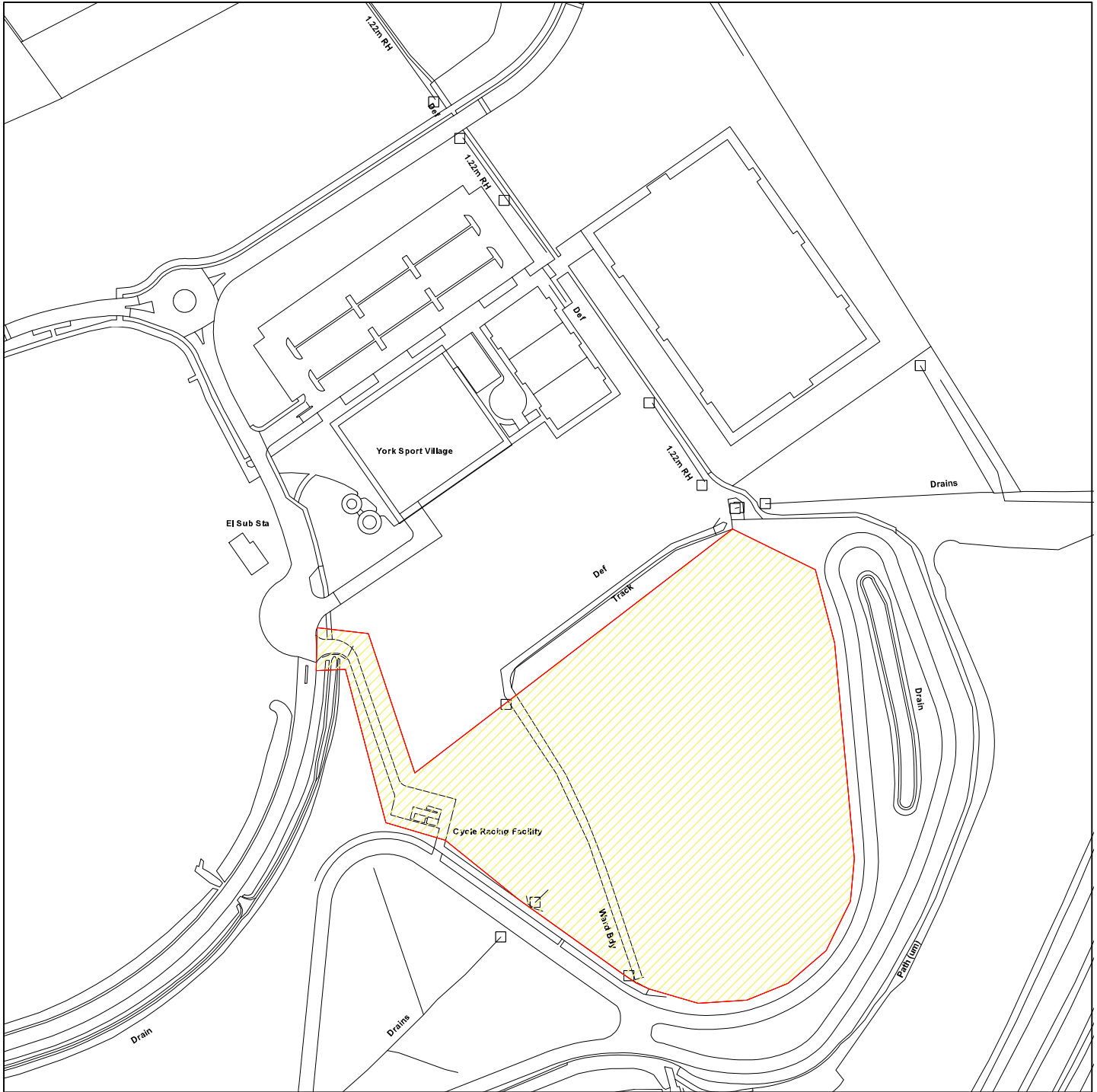
14 ARCH1 Archaeological programme required.

**Contact details:**

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13/03754/FULM

York Sports Village



Scale : 1:2500

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	11 February 2014
<b>SLA Number</b>	Not Set

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from Heath Ride. The details include a play area on the western side of the site adjacent to Heath Ride. Surface water drainage details including a drainage pond adjacent to Brecks Lane. Informal footpath facilities on the eastern side of the site joining up with footpath links within the site area and linking to Brecks Lane and linking with informal footpath arrangements beyond the application site on the northern side of the site.

1.5 The application has been determined as requiring an Environmental Statement under the Environmental Impact Assessment Regulations 2011. The application is therefore supported by an Environmental Statement which, in accordance with the scoping opinion agreed for the development covers socio/economic issues landscape and visual impact and ecology together with a non-technical summary.

1.6 The application is also supported by the following documentation:-

- Design and Access Statement
- Planning Statement
- Geotechnical Desk Top Study
- Archaeological desk based assessment
- Flood Risk Assessment
- Noise and Vibration Impact Assessment
- Transport Assessment and Travel Plan

## PLANNING HISTORY

1.7 An Environmental Impact assessment (EIA) screening opinion determined the scheme as requiring EIA; this has subsequently been confirmed as EIA development by the Department of Communities and Local Government in relation to the sites proximity to the SSSI and SAC site to the east of the application site. The Government Office concluded that the proposal has the potential to give rise to likely significant environmental effects in relation to the purposes for which Strensall Common, a SAC and SSSI, has been designated.

1.8 Planning permission was refused for residential development on the site in 1998 because there was considered to be an adequate supply of housing land for the duration of the Local Plan period to 2006 and the application did not contain a Transport Impact Assessment and there were no highway improvements proposed.

## 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

## 2.2 Policies:

See section 4.0 for policy background

## 3.0 CONSULTATIONS

### INTERNAL

3.1 HIGHWAY NETWORK MANAGEMENT - No objections subject to conditions covering the implementation of the detailed scheme.

3.2 PLANNING AND ENVIRONMENTAL MANAGEMENT - LANDSCAPE ARCHITECT - A number of points have been raised through the Landscape Architects consultation response; the applicant has sought to address these through the amended scheme.

3.3 PLANNING AND ENVIRONMENTAL MANAGEMENT - COUNTRYSIDE OFFICER - The on-site green spaces are an improvement from earlier schemes. The Environmental Statement ecology chapter and appendices covers all the main interests sufficiently. Overall, a suitable condition is required to secure the design and implementation of a Mitigation Scheme and Habitat Management Plan.

3.4 An amended plan has been submitted providing greater distance to the eastern boundary of the site; the Countryside Officers is satisfied with this amended detail subject to the submission of the mitigation scheme and habitat management plan.

3.5 PLANNING AND ENVIRONMENTAL MANAGEMENT OFFICER - FORWARD PLANNING - The policy response sets out the background to the site, its previous status as reserved land and its proposed allocation for development in the preferred options paper for the emerging local plan. The policy Officer considers that the site should be treated as green belt. In the Policy Officer's opinion there are very special circumstances in favour of the scheme. The consultation responses to the allocation of the site in the emerging local plan have been analysed. 22 responses were received to the allocation of these, 17 were objections, 4 were comments and 1 was support. It should also be acknowledged that in general there has been substantial objection put forward to the Local Plan Preferred Options through the consultation in relation to the loss of draft Green Belt land and open countryside, and housing numbers proposed for the City as a whole. The conclusion of Planning and Environmental Management is that whether the comments received would render this application premature would be dependent on whether the issues raised have been adequately addressed in the context of the application. If this is the case no objections are raised on policy grounds, but regarding the matters of detail, this would be a judgement for Development Management

3.6 FLOOD RISK MANAGEMENT TEAM - Initially the team was concerned about the level of information submitted with the application. Following the receipt of additional information there are no objections to the principle of the development subject to conditions which ensure the proper implementation of the scheme.

3.7 CHILDREN'S SERVICES, EDUCATION AND SKILLS - There is an off-site contribution requirement for this site of £329,647 to provide 26 primary school places at Robert Wilkinson's school and 1 additional secondary school place at Huntingdon Secondary School.

3.8 ENVIRONMENTAL PROTECTION - No objections to the scheme in principle subject to conditions which cover contaminated land, electric vehicle points and an Environmental Management Plan.

3.9 PUBLIC RIGHTS OF WAY OFFICER - The Council is currently in the process of raising funds to reinstate the old river crossing at Cowslip Hill to link up the PROW network and provide more opportunities to enjoy circular walks in the parish. The council should be encouraging and creating access to the wider PROW and access network and pursuing that option with developers. An increase in dwellings will increase the use of the PROW network, leading to an increase in maintenance liability for the council, and also increased expectation to access the countryside via the PROW network. With the need to reduce the impact of recreational access on the SSSI, a contribution (via s106) of £10k to the new footbridge across the River Foss at Cowslip Hill, and to cover additional future maintenance liability for the rights of way in the vicinity of the site should be sought. The new footbridge will encourage residents to cross the river and take advantage of the PROW network on the other side, thus lessening the effect on the SSSI. Formal access from the southern end into the development is proposed to be by way of Thompson Drive and Tudor Way. All construction traffic (including staff traffic) will also be via this route. Construction traffic should not be allowed to use Brecks Lane footpath.

3.10 HOUSING STRATEGY ENABLING TEAM - Satisfied that the details submitted meet the requirements of the affordable housing policy subject to ensuring the details are agreed through a s.106 agreement.

## EXTERNAL

3.11 STRENSALL PARISH COUNCIL - The Parish Council have made extensive comments covering the following points:-

- Permission was refused for the development of this site in 1998 because there was considered to be an adequate supply of housing land for the duration of the Local Plan period to 2006 and because the application did not contain a Transport Impact Assessment even though such a study would be required in view of the inadequacy of the local highway network to serve any further development in this location. In the



absence of any proposed access improvements the traffic generated by the development poses a potential hazard to highway safety at the junction of Brecks Lane with The Village and thereby contravenes Policy GP2 of the City's Deposit Draft Local Plan. The Parish Council still consider the development to be premature. Brown field sites within the whole of the local authority area should be developed before any green field site is considered.

- The proposed site lies at the extreme eastern boundary of the envelope of Strensall village and is as far from any facilities / amenities as it can be. There are no shops, services, primary school, pre-school venues etc east of the village centre which at distance of over 1Km is from the proposed site certain to encourage greater car use. Even the bus terminus is in excess 500 metres from the closest boundary of the site. There are no employment opportunities available on the built development and limited opportunities in Strensall so the increase in commuting to work will be a major drawback. The opportunities to cycle all involve journeys on narrow highways on which the national speed limit applies

- Strensall is a village (not a town) but without the many basic facilities and infrastructure to support the current number of residents. In the submitted Socio-Economic Report the developer admits that the development will have an impact stating "the primary impact area (Strensall) will be the area upon which residents of the scheme will generate demand for community services and facilities." However no attempt has been made to provide any additional facilities.

- The reference in paragraph D4.15 concerning the effect that the development would have on health services does not take account of the many occasions which apply now when residents seeking GP appointments are requested to travel to either Huntington or Stamford Bridge.

- Paragraphs D4 to D8 on the subject of commuting do not specify any local impact on Strensall where there are few local employment opportunities and residents actually commute out of the Strensall area to York and beyond.

- The applicant has acknowledged that the primary school at Strensall is already at capacity and intends to make a s106 contribution but the Robert Wilkinson School site uses portakabins as classrooms and has limited outdoor space for any expansion. If permission were to be granted to extend the school this must be done before any properties on the proposed development are occupied should approval be given.

- The amount of open space identified as available for public use in paragraph D5.37 appears to have been taken from the Draft Local Plan 2013 which contains inaccurate descriptions of areas for open space and leisure activities as highlighted in the parish council's response to this Draft Plan as under: The Open Space and Tennis Courts at Strensall Park are part of the MoD Housing and are not for public use. The sports area at Queen Elizabeth Barracks is within the MoD property and is for Service use only and there is no public access. The land between the York to Scarborough Railway

Bridge over the River Foss and the small area behind Leyfield Close is owned by the Shepherd Group and is not for public use. The land behind 28 West End is privately owned. The heath surrounded by Park Gate, Heath Ride and Fold Walk is privately owned.

- The Design and Access statement document paragraph 1.6 references to the 'highway network' the highway network is actually a number of residential streets.
- In Section 2 headed at Paragraph 2.2 sets out the amenities in Strensall and describes them as 'all within a short distance of the site' whereas in reality the nearest amenity is at least 1Km from the nearest part of the site and most amenities are located farther afield.
- Paragraph 2.4 The First bus service only serves the direct route to the outskirts of Central York. There is no easy method of access to the shopping outlets at Monks Cross, Clifton Moor or York Designer Outlet. Even the journey to the adjacent settlement of Haxby by First Bus services involves a change of bus close to Nestle on Haxby Road.
- Paragraph 2.5 admits that the bus terminus at Park Gate is 500m away from the site but most parts of the site are a greater distance from the terminus. Access to any of the Park and Ride sites (current and proposed) involve journeys on the already overcrowded A1237.
- Paragraph 2.8 suggests that the site gives access to the Foss Walk and Ebor Way but it should be noted that these public rights of way share the private road from the site to the junction Thompson Drive (west bound) and the site to footpath 17 and beyond to Walbutts (east bound) with regular vehicle traffic from dwellings and especially the tanker traffic from the Sewage Treatment Works at Walbutts. As there is no separate footpath along this part of Brecks Lane many residents, especially when with dogs or children are wary of using these public rights of way.
- The suggestion that village amenities are only a 'short walk away' is misleading as the distance is at least 1Km.
- In Section 3 headed 'Considerations, Strategies, Constraints and Opportunities' paragraph 3.12 suggests that the affordable dwellings are to be 'pepper potted' throughout the site but they are in fact concentrated in the southern part of the development. Paragraph 3.13 that the three access points of Tudor Way, Heath Ride and Green Lane give access to the site but what it does not state is that they all converge on to Brecks Lane. Paragraph 3.14 indicates that internally the roads will link and loop to all access points. It is unlikely that the route of choice would be via Green Lane as this street is narrower than the others. The report suggests that the design of the road network will reduce vehicle speeds but again this is a fallacy as similar streets on the existing developments do not achieve this objective.

- Section 5 headed 'Design' contains pictures in paragraph 5.5.3 of what is considered to be play equipment but these pictures do not show any provision for older children.
- Consultation on the village design statement highlighted key concerns of residents as getting too big; parking problems; traffic flow/congestion and infrastructure will not cope.
- Walbutts sewage treatment plant still causes odour although it is accepted that the prevailing wind does generally take the smell away from the site. The existing sewage system can not cope and the additional sewage will make this problem worse.
- This site is one of the few remaining examples of ridge and furrow agricultural land and the Countryside Officer should be requested to give guidance on its retention.
- Concerned that this pumping station and the associated pipes will not be able to cope with the effluent from a further 104 dwellings. Resident has already supplied photographic evidence of the site and adjacent properties affected by standing water. These photographs were taken in October and November 2012. The 1854 OS Map indicates that there was indeed a water course running from land to the South of the railway through the site to the West of the concrete loading area, follows the tree line in the centre of the site and then dog legs through the Brecks Garth development in the region of Chapman Close on its way to the River Foss. It is probable that the flooding at the south end of the site is allied to current condition of this water course.
- The economic, social and environmental roles of the planning system as set out in the NPPF are referred to. The development does not meet any of these tests and should be refused.
- The Parish Council have also submitted a document which sets out their concerns about the highway network implications of the scheme.
- The Parish Council have submitted further comments following the re-consultation on amendments to the scheme. The comments stress the concern that the site is still safeguarded land in the Development Control Local Plan and that the new local plan should not hold any material weight to the determination of the application.

3.12 FOSS INTERNAL DRAINAGE BOARD -The FRA indicates that the designated main river is under the control of the Environment Agency, this is not the case the Board has responsibility for over 25 Kilometres of the river Foss extending upstream and down stream of the application site. The consent of the board will be needed for surface water to enter the River Foss. The current proposals can not be supported as the surface water discharge into the river Foss is considered to be unacceptable. No development including fences and planting should be placed within 9 metres of the bank top.

3.13 NETWORK RAIL - No objections to the principle of the development. All drainage should be designed to drain away from the railway. The developer should provide adequate sound proofing for the dwellings and bear in mind that the railway could be operating 24 hours per day. Landscaping adjacent to the railway should only include the species acceptable to network rail.

3.14 YORKSHIRE WILDLIFE TRUST - The development could create some extra pressure on Strensall Common SAC and the Trust would accept that this will mostly be through increased numbers of visitors including dog walkers and a small amount of displacement and loss of habitat on the development site. In order to reduce any residual damage to the SAC the Trust recommend provision of information to the residents about Strensall Common and the importance of the habitat. Providing leaflets to householders and also a notice board with interpretation. Information on clearing up after dogs should be included. Provision of a dog dirt bin and funding to empty it. Contribution towards increased wardening on the reserve to cover increased trampling and littering. Contribution towards events to introduce residents to the reserve and the importance of Strensall Common. There may also be a need to monitor pressure on paths and grazing animals. Membership of the Yorkshire Wildlife Trust provided for new residents which would give some funding towards alleviating pressure on the reserve.

3.15 NATURAL ENGLAND - The scheme is not likely to have a significant effect on the interest features for which Strensall Common Special Area of Conservation (SAC) has been classified. This application site is located 400m from Strensall Common Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England is satisfied that, there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted. It is acknowledged that Yorkshire Wildlife trust who manages the northern half of the SSSI may have legitimate concerns and would welcome any help the developers could provide with interpretation boards. Improvements to alternative footpath could also be considered. The site has not assessed for impacts on protected species. Natural England has published Standing Advice on protected species. Standing advice is a material consideration. It is expected that the Local Planning Authority will assess and consider the other possible impacts resulting from this proposal on local sites (biodiversity and geodiversity), local landscape character and local or national biodiversity species when determining this application. Features could be incorporated into the design to enhance bio-diversity.

3.16 ENVIRONMENT AGENCY - No objections to the application subject to conditions ensuring surface water from hardsurfaces is passed through trapped gullies. The Agency notes that any discharge of surface water to the river Foss should be agreed with Foss internal drainage board as the stretch of river is designated as a non main river. Informatives are advised in relation to availability of surface and foul drainage facilities and the responsible authorities.

3.17 YORKSHIRE WATER AUTHORITY - A number of conditions are suggested to require details of the drainage for both surface and foul water disposal. The authority makes general observations about the site including the fact that the local network does not have the capacity to take additional surface water run-off. Sustainable Urban Drainage (SUDS) systems should be used at the site other means of disposal of surface water will only be considered if it is shown that SUDS do not work. The submitted flood risk assessment is acceptable from Yorkshire Water Authorities point of view. A water supply can be provided to the site. Foul water should be discharged into the foul sewers is Moray Close and Tudor Way.

3.18 POLICE ARCHITECTURAL LIAISON OFFICER - The area is an area of low risk in respect of crime and disorder. The design has in general followed the requirements of secure by design. A number of minor comments are made: - access to all rear areas should be controlled by lockable gates; all ground floor windows and doors should meet a good standard of security; lightings should illuminate external doors, car parking and garage areas; lighting and landscaping proposals should be co-ordinated to ensure that landscaping does not in the future obscure lighting to car park and footpath areas. The site should provide a safe, non-threatening environment in which to live.

3.19 A letter of objection has been received from the ward Councillor, Cllr P. Doughty covering the following points:-

- Thanks the Parish Council for their extensive comments which are supported
- There is a policy of only assessing the application itself when it comes to considerations. It is considered that this is a fundamentally flawed process within the planning system and there should be due consideration to other external circumstances which have a real bearing on the community.
- The development of the Tannery site was supported as the last realistic option for the site. This should be Strensall Housing contribution. The village can not support more development.
- objections for the application at Brecks Lane itself centre around encroachment into green land outside the current built-up perimeter of the village, location and awkward access, congestion, sustainability and drainage/flooding issues highlighted in the many responses.
- Development of the site is premature
- Similar application was refused on the site in 1998
- The proposals do not include any highway improvements
- The land is marshy; the land is in standing water much of the year
- Whilst the Council should be supporting walking and cycling this will never be a realistic option for the site. The proposals call in to question the councils objectives of sustainable development
- If the application were supported by the Council cycle paths would have to be more than considered between Strensall and Huntington/Earswick.
- The possibility of serving the site from Brecks Lane should be explored. The estate should not be served from the existing cul-de-sacs

3.20 A letter of objections has been received from Julian Sturdy MP covering the following points:-

- The detailed objections of Strensall and Towthorpe parish Council are supported
- The application is considered premature because the Local Plan is only in its early stages. The land should not be considered until an Inspector has judged the plan to be sound.
- The amount of houses is above that proposed in the local plan (82 in plan 104 now 102 proposed)
- Village infrastructure is too strained to cope with additional houses
- The questionnaire for the Village Design Statement overwhelmingly showed that residents think there has been too much development in Strensall over the last 40 years.
- Concerned about the traffic levels at the junction of Brecks Lane and The Village despite the assertions of the Traffic assessment
- Concerned about primary school facilities any upgrades should be agreed to be in place before dwellings are occupied.
- The distance between facilities and the site will mean greater car use.
- Concerned how the infrastructure will deal with additional sewage
- Given the stage of the new local plan the greatest prominence should be given to the NPPF and the Parish Council make very good references to this document.

3.21 122 Letters of objection have been received covering the following points:-

- Numerous applications on the site. It is not that the site is not suitable it is down to the additional investment that would be required to make it viable.
- Strensall suffered excess development with little or no concern for infrastructure or amenities to support expanding population. Each application has been considered on its own merits; the council have failed to consider wider affects of this approach.
- A recent survey carried out by a working group committed to providing Strensall with a Village Design Statement found that one of the main frustrations by residents was that Strensall is getting too big and that it doesn't have the facilities to support itself. It is no longer a village, more a town, yet the ability of the infrastructure and services in the village to cater for its residents is woefully inadequate.
- Current application does nothing to reassure residents of Strensall that infrastructure will be provided.
- Reassurance is needed that s106 contributions will result in additional classrooms and school places in an already oversubscribed school.
- A previous application in 1998 was refused on prematurity and lack of adequacy of the local highway network

- The single entry and exit point to the estate remains a significant concern. The local highway (Brecks Lane) has not benefited from any improvements since the initial refusal and is now even more congested due to numerous infill developments that have occurred on the estate over the recent years. The close proximity of the level crossing, poor visibility and the location of the bus stop and nearby businesses will all have an adverse effect on the safety of any motorists or pedestrians wishing to travel onto or around the Brecks Lane estate.
- The validity of the traffic survey supporting the application is questioned
- The site suffers from regular flooding (photographic evidence submitted) which affects adjoining properties and the wider area. The new scheme will exacerbate this unless the issue is tackled and resolved as part of the planning process.
- Recent developments that have significantly contributed to the increased congestion around the village and exposed the strains being put on local resources by the expanding population including the primary school and doctors surgery. There lack of suitable infrastructure to support the safe pedestrian and cycle movements around the village as well as those to and from the outer ring road.
- The effects of the Tannery development (52 houses) on the village are as yet unknown.
- A lack of provision of open space on the Brecks Lane estate has meant that the proposed site has been a welcome and beneficial area of green and natural open space used by children to play and exercise. The development of this land will further diminish the available open space for the large amount of homes already in this area. The small area allocated as open space by the developer is well known to be unsuitable due to its condition; it is saturated for almost all of the year and is often referred to as the marsh for good reason.
- Any development would need to be extremely sensitive to the environment. The exterior design and appearance of the development would need to be carefully considered to ensure that they blend in with those already in place.
- The proposed area is less than 500 metres from Strensall Common which is a National Nature Reserve and a Sight of Special Scientific Interest covering almost 500 hectares it is hoped with the recent scoping opinion and the now watered down Environmental Impact Assessment that the council will be able to fully identify and understand the detrimental effects a further 104 house will have on the surrounding area, an area identified by the same council recently as being suitable for only 82 homes.
- Traffic is not high during the day but at school run times and early morning work times is very busy. It is the area around the school and the shops that is the greatest

concern. In an ideal world children would walk to school but it is a good mile to the school and not always ideal with the amount of traffic around the school. There is no crossing lady.

-Public parking should have been provided on the Tannery site.

-A ditch runs around the back of Coulson Close which over the years has filled with rubbish and flooded gardens.

-There should be no construction traffic parking on or around the estate.

-There should be restrictions on working hours and mud should be cleared daily from the roads.

-Development is one step too far for the village to support.

-The road from Strensall to the ring road is heavily congested during the rush hour already

-Any extension to the village should be on the York side not on a locked in area adjacent to the railway line.

-Roads into estate not adequate for extra traffic especially when main road is closed with the train.

-Bus stop too far away from proposed new houses meaning the new occupants will have to use cars.

-Robert Wilkinson School will be significantly affected and the quality of education will decrease over time if the number of pupils increases without significant investment.

-Brecks Lane is a dead end and the new development would create a bottleneck. A solution to this would be to create an access via Flaxton Road but that would require a new level crossing circa £750k to install.

-Currently experiencing difficulty achieving the sale of local property because of the restrictive planning laws for Greenbelt areas in York. Hypocritical to allow 104 new homes to be built on greenbelt whilst restricting private residences and reducing their potential value.

-Development will reduce the quality of life for all residents along the access roads.

- The area is a haven for wildlife and a barn owl is frequently seen hunting over the area.



- Construction traffic will be a nuisance to residents and the surrounding roads are not designed to take such traffic.
- Additional traffic will be a danger to young children who enjoy the ability to play outside.
- Strensall has a friendly village feel, this will be lost.
- More and more green spaces are disappearing which will have an impact on wildlife, places for walking & overall views.
- If school levels drop this will be a good reason for many families to sell up and move as it will become a less desirable catchment area.
- Could end up with youth problems? The village doesn't have a lot for teens to do as it is.
- Local Tesco would be the only local shop. This would increase traffic problems.
- The loss of the green field site is likely to have a serious environmental impact on already pressured local wildlife; loss of habitat and feeding grounds etc.
- Strensall has now a greater population than Malton, Malton being a town with numerous facilities, where as Strensall has not.
- Concreting over this green field is going to force the surface water in only one direction, further into people's gardens and homes.
- The amount of surface water does not appear to be seasonal as the field is regularly saturated throughout the year.
- Despite the best efforts of the land owner to deter residents from using this open space through the use of crowd control fencing, barbed wire and notices, the area has been accessible to the public for a long time.
- On a daily basis a high number of residents use this land for enjoyment, fresh air, bird watching and dog walking as well as children playing and enjoying themselves.
- Tudor Way 5.5 metres wide (Thompson Drive 6 Metres) the reduced width of Tudor way does not allow easy access for emergency vehicles.
- The village population has grown over the last 27 years at an average of 120 per year, a potential increase of 450 plus can not possibly be justified or accommodated.
- There is an adequate supply of housing within the village.

- Development unnecessary, not in keeping with the character of the parish and not welcomed by the community.
- More traffic will result in accidents and potential fatalities.
- The emergency access along the Foss is already overgrown so this leaves only the one point of access. A second access to the estate is essential if this development is to be approved.
- Village centre parking should be restricted to half hour and this would stop people from other villages using Strensall village centre as a "Park and Ride" to York.
- Difficult to support the local shops as it is impossible to park on the street outside.
- There are toads, frogs and newts on that land and also barn owls are seen regularly feeding on this field. Would like to know what study has been done to see if great crested newts are one of the species on this land as they are all around this space.
- The sewerage drains currently feeding over from the current estate and beyond to Warbutts treatment works are not coping with the number of houses and they are regularly getting blocked.
- The addition of extra lighting on the estate with cause light pollution to increase in the greenbelt area.
- Significant detrimental impact on the character, appearance and overall visual amenity of the area and is not in keeping with the current estate.
- Hedge on western boundary should be retained
- Plot 101 appears to be in line with our landing window and we do not wish there to be direct views into adjacent property, which would be a direct loss of privacy.
- The upstairs of plot 100 would have direct view into adjacent conservatory. This would be a direct loss of privacy for adjacent property.
- Loss of trees would reduce the habitat for wildlife.
- Children walking or cycling to school face busy roads during peak school drop-off and pick-up times.
- Tudor Way is very narrow and isn't wide enough to accommodate two large cars passing each other.
- Large open grass areas - such as those proposed - often attract the congregation of groups of youths, especially during the evening. Unfortunately this frequently leads to

consumption of alcohol, noise, litter and other anti-social behaviour, as already seen in similar open areas in Strensall.

-Concerned that development will lead to further surface water flooding to gardens. Persimmon dug a trench on the western boundary to alleviate surface water flooding but the area still floods.

-The site of the development borders one of the few safe cycle paths which would be lost.

-If additional housing is approved then a secondary road should be provided to remove traffic travelling through the centre of the village.

-Concerned that the traffic impact assessment does not go far enough and is inaccurate.

-If the school buildings keep being extended on its current site (it is already the largest primary school in York), there will be little or no space left for the children to play and exercise.

-This development would eliminate this welcome area of open space.

-Flood risk will be increased.

-I understand that it will take 4 years to complete the building work. During this period how will the construction vehicles access the site? Where will the workers park?

-The area suffers from poor water pressure at peak times.

-A sunlight assessment should be conducted to assess the impact of plot 1 on adjacent development.

-The planning application does not indicate what environmental standards the housing being built will achieve, nor how they will individually contribute to sustainable development.

-There is no provision for allotments. The development will destroy a medieval field system and place nothing in its stead.

-Poor drainage to existing properties e.g. in Chapman Close, already affected by development of Heath Ride.

-There are safety issues connected with plans for footpaths from the development onto the lane to the sewerage works. Large tankers travel at regular intervals down this lane and are already a danger to pedestrians - this danger would be increased considerably by the proposed footpath link. Also the security of the development is compromised by access onto this lane - an easy get away for vandals

-Rather than slavishly apply policies on housing density per hectare a broader view is needed.

-The 1881 census records the population as 446 the 2011 census records the population of Strensall and Towthorpe as 7,952. Current estimated population is in excess of 8,000.

-Both the scale and density of the proposed development do not therefore conform to policy, and the site is larger than that allocated.

-The transport assessment relying on a single day survey is not representative and does not consider the cumulative impact with other new development.

-Sporting facilities in the village are inadequate.

-Local services such as shops are too far from the site and inadequate.

-Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The applicant has not demonstrated any such material considerations and the proposals do not conform to the emerging development plan.

-Urbanisation to what is essentially a village with a village infrastructure and atmosphere.

-The current scheme facilitates future development beyond this site. Any Cul-de-sacs proposed adjacent to the open fields should be re-planned so that no ransom strips can be implemented by the developer.

-There is nothing in the application to address this or indeed make any improvement to cycle paths or cycle lanes in Strensall.

-In the Sustainability Appraisal undertaken by Amec in June 2013, the proposed development site (H27) was one of only two housing sites to score "Very Negative Impact" on two sustainability measures, education and agricultural land.

-As seen on the plan, the smaller "affordable?" houses look like future "buy to let" - with all the problems that such properties bring, not permanent homes for families.

-The development is crammed on to the site; Creating a new development provides a one-off opportunity to address past housing development mistakes and provide an interesting, appealing environment, by using different designs, materials, and textures in the houses, roads, open spaces, garden perimeters etc - a good example is the

nearby Hogg development where effort has been made to create some sort of 'village' feel to small groups

3.22 33 Additional letters of objection have been received as a result of the consultation on the amendments to the scheme the majority of these indicate that the small amendments do not affect the fundamental concerns about the development and also raise the following additional issues:-

- Concerned about having a play area to the rear of the property (9 Pulleyn Close). The developer should construct a 2 metre fence along the boundary at their expense.
- The hedge should be retained on the western boundary but a fence provided to protect privacy.

3.23 Two letters of support have been received covering the following points:-

- The development will be good for local businesses
- Will bring more money to the school
- Support the larger houses which will give people trying to move with a growing family within the village choice.

The two support letter nevertheless wish that Strensall had a train station and say that the road from Strensall into York is too fast and there should be a cycle lane.

## PUBLICITY

3.24 The application has been advertised in accordance with the requirements of the Development Management Procedure Order for development supported by an Environmental Statement and the Secretary of State has been sent a copy of the statement to accord with the requirements of the Environmental Impact Assessment Regulation 2011.

## 4.0 APPRAISAL

4.1 Key Issues:-

- Policy Background
- Principle of the Development incorporating the consideration of green belt
- Design, siting and landscaping
- Residential Amenity and environmental protection issues
- Highways, Access and Parking Arrangements
- Environmental statement considering proximity to Strensall common, ecology, landscape and visual impact and socio-economic issues
- Affordable housing
- Drainage
- Sustainability

## POLICY BACKGROUND

4.2 The National Planning Policy Framework (NPPF) says there are three dimensions to sustainable development economic, social and environmental. These roles should not be taken in isolation, because they are mutually dependent. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system (Para. 7 and 8).

4.3 Paragraph 14 of the NPPF says at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. The three dimensions of sustainable development are identified in paragraph 7 as economic, social and environmental roles. These roles should not be taken in isolation because they are mutually dependent.

4.4 The (NPPF) section 6 addresses the delivery of a wide choice of high quality homes. Paragraph 47 says that to boost significantly the supply of housing, local planning authorities should:

- use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
- identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land.

4.5 Foot notes to the paragraph say to be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.

4.6 Paragraph 49 of the NPPF says housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority can not demonstrate a five-year supply of deliverable housing sites (Para 49). To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities (Para.50)

4.7 Section 7 of the NPPF requires good design. Paragraph 56 says good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and

places and the integration of new development into the natural, built and historic environment (Para 61).

4.8 To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should among other things plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments and ensure an integrated approach to considering the location of housing, economic uses and community facilities and services (Para.70).

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (para.88).

4.9 Paragraph 109 of the NPPF says the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible

4.10 Paragraph 118 of the NPPF says local Planning Authorities should refuse permission if significant harm resulting from a development cannot be avoided, adequately mitigated or compensated for. Opportunities to incorporate biodiversity in and around developments should be encouraged.

4.11 Paragraph 216 of the NPPF says from the day of publication decision makers may also give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies ( the less significant the unresolved objections, the greater the weight that may be given); the degree of consistency of the relevant policies in the emerging plan to policies in the framework( the closer the policies in the emerging plan to the policies in the framework, the greater the weight that may be given)

4.12 Policy YH9 and Y1 of the Yorkshire and Humber Plan - Regional Spatial Strategy to 2026 defines the general extent of the green belt around York with an outer boundary about 6 miles from the city centre and although the spatial strategies have now been withdrawn these policies relating to York's green belt have been saved.

4.13 Relevant policies in the Development Control Local Plan (DCLP) unadopted but approved for development control purposes in 2005 are:-

- SP2 'The York Green Belt' - the primary purpose of the York Green belt is to safeguard the setting and historic character of the city and is defined on the proposals map'

- GP24a 'Land reserved for possible future development' identifies the sites reserved for future development up to 2011 and seeks to restrict development that would prejudice the potential for the future comprehensive development of the site.

- Policy H1 'housing allocations' says that additional sites have been safeguarded for the period 2011 to 2021 and will be reassessed at such time as the local plan is reviewed.

4.14 Further relevant policies within the DCLP that are considered to conform to the aims and objectives of the NPPF include GP1 'design', GP4a 'sustainability' ( supported by the interim planning statement on sustainable design and construction)H2a 'Affordable Housing' ( this is supplemented by the affordable housing planning guidance - interim targets), H5a 'Residential Densities', Policy L1c 'Provision of New Open Space in Development' ( this is supplemented by open space advice note commuted sum payments in new developments), ED4 ' Developer contributions towards education facilities' ( supplemented by planning guidance on education contributions), GB1'Development in the Green belt' NE1 'Trees Woodland and hedgerows', NE4a 'International and national nature Conservation Sites', NE5a 'Local nature Conservation Sites', NE5b' Avoidance of, Mitigation and Compensation for Harm to Designated Nature Conservation Sites', NE6 'Species Protected by Law', NE 7 'Habitat Protection and Creation' NE8 'Green Corridors'.

4.15 There are trees covered by Tree Preservation Order (TPO) no. CYC 285 within the site.

4.16 The village is in the process of producing a Village Design Statement. The document is at an advanced stage but is not yet adopted by the Council for Development Management purposes.

#### PRINCIPLE OF THE DEVELOPMENT (INCLUDING CONSIDERATION OF GREEN BELT)

4.17 In accordance with section 38(6) of the Planning and Compensation Act 2004 determinations must be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises the retained policies in the Yorkshire and Humber regional strategy. Policies YH9(C) and Y1 (C1 and C2) which relate to York's green belt and the key diagram insofar as it illustrates the general extent of the green belt.

4.18 The Development Control Local Plan 4th set of change April 2005 (DCLP) shows the site as land reserved for possible future development. The extent of the site is said to be 6 ha and policy GP24a says that the land is reserved for after 2011; other development that would prejudice the potential for the future comprehensive development of the site should be resisted. The land was also shown as reserved land in earlier versions of the Development Control Local Plan going back to 1998. The site is shown as being within the development limits for Strensall in the 2005 plan and in the York green belt local plan post-modification document September 1995 ( produced by North Yorkshire County Council and now revoked).



4.19 The site is proposed to be allocated as part of the emerging local plan preferred options chapter H3 as a proposed housing allocation (H27). H27 is proposed as a housing allocation of 82 dwellings to be phased in the short to medium term (1 - 10 Years). The site area of the allocation is 3.9 Ha.

4.20 The Arup Assessment of Housing Requirement (June 2013) Report identifies 4 housing growth options which were based upon previous trends and forward projections, whilst also factoring in economic visioning work. The growth option taken forward to the emerging Local Plan Preferred Options was the 1090 dwellings per annum. H27 has been identified through the Site Selection Technical Paper (June 2013) which put proposed housing, retail and employment sites through a set of criteria including Environmental Assets Protection (areas Important to York's historic character and setting, nature conservation, regional green corridors, ancient woodlands and functional floodplains), Open Space Retention and Greenfield Sites in areas of High Flood Risk. Both the Arup Housing Report and Site Selection paper are material considerations although in accordance with paragraph 216 of the NPPF only limited weight can be afforded to the emerging plan given its early stage of preparation and the fact that there are unresolved objections to the emerging policy H27.

4.21 There are differences between the proposed allocation, the previous safeguarded land and the application site area. The proposed allocation is described as 3.9 ha of land excluding a strip of land to the east; the application area includes this easterly strip of land which amounts to about 0.63ha. The reserved land shown within the Development Control local plan (DCLP) is described as being 6 ha and includes an area of land to the north that is not shown either on the application site boundary or as part of the proposed allocation.

4.22 The NPPF through paragraph 14 says that at the heart of the NPPF is a presumption in favour of sustainable development for decision making this means where development plans is absent, silent or relevant policies are out of date granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted. Paragraph 47 requires that housing supply is boosted significantly by ensuring objectively assessed need for market and affordable housing is met; by identifying a supply of specific deliverable housing sites sufficient to provide a 5 year housing land supply and identifying sites or broad locations for growth (years 6 to 10). Paragraph 49 says housing allocations should not be considered up-to-date if a 5 year supply of deliverable housing sites can not be demonstrated.

4.23 The applicant says that the Council can not demonstrate a 5 year housing land supply and sets out within their planning statements the reasons for this. The applicant considers that the delivery assumptions contained in the Council's trajectory are unrealistic and some are undeliverable. It is also considered that the land supply figures must incorporate a 20% buffer within the figures in order to address under

delivery and to ensure choice and competition in the market for land. The applicants view is that at best the Council have just over a 2 year housing land supply. The forward planning team do not refute their analysis in their response to the proposals. Furthermore the proposed site forms part of the land supply identified in the preferred options for the emerging local plan.

## Green Belt

4.24 Paragraph 14 of the NPPF says that the presumption in favour of sustainable development should apply unless specific policies in the NPPF suggest that development should be restricted. The Development Plan currently consists of the unrevoked parts of the Yorkshire and Humber Regional Strategy relating to the Green Belt around York. This identifies through policies Y1C (criterion 1) and YH9C the 'general extent' of the Green Belt as 'a belt whose outer edge is about 6 miles from York city centre'. The DCLP 2005 and the emerging Local Plan identifies the site for development and therefore also shows the site outside green belt.

4.25 The NPPF sets out the five purposes of green belt in paragraph 80; to check the unrestricted sprawl of urban area; to prevent neighbouring towns merging; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns and to assist in urban regeneration by encouraging the recycling of derelict land and other urban land. Paragraph 79 says that the essential characteristics of green belts are their openness and their permanence. The Regional Strategy through the saved policies identify the need for the green belt around York to protect and enhance the nationally significant historical and environmental character of York, including historic setting, views of the Minster and important open areas.

4.26 Paragraph 89 of the NPPF says that Local Planning Authorities should regard the construction of new buildings as inappropriate in green belt exceptions include limited infilling in villages, and limited affordable housing for local community needs under policies set out in the local plan. Any other new building outside the categories set out in paragraph 89 would, in accordance with paragraph 88, be inappropriate development for which very special circumstances will not exist unless the potential harm to the green belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. The development does not fall within any of the categories set out in paragraph 89 and in the circumstances where one considers the site to be in green belt it would be necessary to consider whether or not there were very special circumstances to justify otherwise inappropriate development.

4.27 The applicant disagrees in principle with the stance that the site is within green belt; considering the site to be outside green belt. However further correspondence supporting the application sets out those issues that the applicant considers would amount to very special circumstances should the test of very special circumstances need to be met. These are:-

- That the Council are unable to demonstrate a five year supply of housing land;

- That the site would make a significant contribution to meeting identified need for market and affordable housing;
- That the development is sustainable development in the context of the Framework and there will be economic, social and environmental benefits arising from the proposed development;
- That the proposed development will provide public open space in excess of the requisite standards which will meet needs arising from the proposed development and the existing community;
- That the site serves no Green Belt purpose;
- That the harm arising from the development is small;
- The fact that the site has been allocated for development within the emerging Local Plan for a considerable period of time;

4.28 Similarly the Forward Planning Team was of the opinion at pre-application stage (January 2013) that very special circumstances could be shown through:-

- The sites designation as safeguarded land in the Local Plan
- The Strategic Housing Land Availability Assessment (SHLAA) pro forma for the site
- The LDF evidence base, including the housing supporting paper and the need for a balanced portfolio of sites to meet the city's housing need.

4.29 Some of the documents referred to above are now withdrawn however the emerging Local Plan and associated technical paper referred to in paragraph 4.19 provide similar assessments identifying the site as suitable for housing allocation.

4.30 In principle then there is agreement between the Applicant and Forward Planning that the development, were it to be within green belt, could meet the test of very special circumstances.

#### Characteristics of the site

4.31 In terms of the characteristics of the site; the north and western boundaries border existing residential development. The western boundary has three access points that terminate at its boundary or just within the site. These physical features relate the site to the adjacent housing schemes. The eastern boundary is very well defined with significant trees and other vegetation so that views across to the open land beyond is restricted. The southern boundary is adjacent to Brecks Lane and adjacent to the railway line. In Officers view the screening along the eastern boundary provides a good defensible boundary for the edge of the settlement and may have been relevant to the sites inclusion within the settlement limits within previous versions of the DCLP. Furthermore the site characteristics identified above visually relate the site to the village settlement such that the land does not serve any of the stated purposes of green belt set out in the NPPF (paragraph 80) (in particular it does not assist in safeguarding the countryside from encroachment) or those set out in the regional strategy ( Policies YH9 and Y1)and therefore the need to keep the site permanently open could not be supported.

## Policy History of the site

4.32 The various versions of the DCLP to 2005 show the site within the settlement limits for Strensall and safeguarded for future development placing restrictions on any development that would undermine this objective. The revoked York Green Belt Local Plan September 1995 (adopted by North Yorkshire County Council following a public local inquiry) shows the site as being within the settlement limits for Strensall. (The York Green belt Local Plan is not an extant policy but indicates that the site has been seen as part of the development limits for Strensall for a considerable time and had some level of consideration by an Inspector as a recognised boundary at that time). The emerging Local Plan allocates the site for development supported by technical papers which have assessed the suitability of the site for development.

## Conclusion - Green belt

4.33 The Secretary of State in considering other sites in the City of York area has, in the absence of a formally adopted boundary, dealt with new housing sites as if they were in greenbelt and therefore found it necessary to establish if there are very special circumstances that outweigh harm by reason of inappropriateness and any other harm to the green belt status of the site. In the absence of an up to date local plan and having regard to the early stage of the emerging local plan Officers consider that the site is within green belt and needs to address the test of very special circumstances. Officers have, in assessing harm, considered the site's characteristics, the policy history of the site and advice within the NPPF. Officers conclude that taken together the lack of a five year housing land supply; the history of the site as reserved land and its proposal for allocation; the contribution the site would make to the housing land supply, including affordable housing and the fact that the site characteristics are such that the land does not serve any of the green belt purposes as set out in the NPPF or Regional Strategy even when giving substantial weight to any harm to the Green Belt, represent very special circumstances which would outweigh harm to the green belt by reason of inappropriateness. The application will need to be referred to the Secretary of State under the terms of circular 02/2009 of the Town and Country Planning (Consultation) (England) Direction 2009.

## Compliance with other policies in the NPPF

4.34 Assessing the development in relation to housing and sustainability policies in the NPPF it is considered that the development proposes a mix of market and affordable housing; is identified as part of the deliverable housing sites in the housing selection paper, is proposed to be commenced in the short term making the site deliverable in the context of NPPF advice (section 6). The 2005 local plan envisages the site's development post 2011, earlier plans have also reserved the land for future development and the emerging local plan seeks to bring the site forward for housing. It is considered that in principle the development of the site is supported by the

presumption in favour of sustainable development as set out in Paragraph 14 of the NPPF provided there are no impacts arising from the details of the scheme which would significantly and demonstrably outweigh the benefits. The detailed issues are considered within the remaining part of the report.

4.35 Policy H5a of the DCLP requires net residential densities of 30 dwellings per ha outside the main urban area of York; the new local plan has a similar density requirement. The scheme proposes 102 dwellings on approximately 4.6 ha of land equating to a gross density of about 22 dwellings per hectare this lower density level is a result of the amount of open area incorporated into the scheme along the eastern boundary, within the site adjacent to existing trees and the play area and drainage storage areas on the western boundary. The allocation in the new local plan is for 82 houses. This allocation is based on the smaller site area of 3.9 Ha wherein the allowance built in for amenity open area on the smaller site reduces the overall numbers. The inclusion of the tree belt on the eastern side allows for some provision of open space within this area thus the numbers are increased. The overall density of the scheme is still low but given the site constraints is considered to be acceptable for this site and to accord with density levels set in Policy H5a which meets the requirement in the NPPF for Local Planning Authorities to set out their own approach to housing density to reflect local circumstances.

## DESIGN, SITING AND LANDSCAPE

4.36 As set out above section 7 of the NPPF requires good design and GP1 of the DCLP requires similar consideration of design issues. The core principles within the NPPF says planning should not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve places in which people live their lives. In addition to this the applicant makes reference to a number of design documents that they have used to inform the design of the scheme these include By Design: Better Places to Live and Building for Life: Delivering Great Places to Live' both these documents have been produced in association with the Commission for the Built Environment (CABE).

4.37 The central part of Strensall is a designated conservation area. The application is located a distance to the east however the Conservation Area Appraisal document in its initial paragraphs describes the topography and landscape setting for the village and this sets some beneficial context for the consideration of the development. In particular in referencing the wider context of the settlement it says 'Strensall village occupies part of a flat open area to the south of the River Foss. The village itself is surrounded by fields to the north, east and west. These areas of open ground enable long distance views towards the village from the north, in particular towards the church and Manor Farm which are set on slightly higher ground. To the south of the village is Strensall Common and Strensall Army Camp. The immediate setting of the designated area is dominated by twentieth-century housing development to south, west and east, though tree fringes help to mitigate their effect.'

4.38 The application site is located on the north eastern edge of Strensall village. The western boundary is adjacent to existing residential development and there are three access points abutting the site along this boundary, one of which extends into the application site (access from Heath Ride). The northern boundary is defined by existing housing and informal pathways that lead through to the river Foss frontage. The eastern boundary is defined by a tree belt with open countryside beyond. The proposal is to provide 102 houses accessed via the three existing access points; the applicant says in their design statement that the three existing access points gives opportunity to break the whole site down into different character areas with informal links between each. Using this design principle the site proposes contemporary higher density housing for the southern end of the site with terraced units and three storey properties; a medium density mid section termed 'cottage' style housing with a mix of detached small terraced blocks and semi detached houses and the northern portion of the site being termed 'Country' style consisting of mainly detached houses. All three design styles incorporate an element of three storey development mainly with use of the roof space but with one house type in the southern and mid portions of the site having two and half storeys which has a maximum height to eaves of 6.5 metres and an overall height of 10 metres. Those properties that utilise the roof space are generally 5.5 metres to eaves and have an overall height of 10 metres although this varies between the differing house types. Those properties that are two storeys without use of the roof space stand approximately 5 metres to eaves and between 7.5 and 8 metres to apex. A total of 20 different house types are proposed and thus in the applicant's opinion the site will cater for a broad range of purchases with the focus on good quality starter and family homes.

4.39 The scheme is designed around the need to retain the tree belt on the eastern boundary, space around this tree belt and the need to retain trees in the site that are covered by tree preservation orders. The various open spaces are linked together by informal footpaths and the scheme shows a play area on the western boundary within the largest open space in the scheme. A further open area is retained on the south western side of the site which is providing attenuation for the drainage scheme. So the gross site area is 4.6 Ha with a developable area of around 3.3Ha thus gross densities are about 22/23 dwellings per hectare and net densities are 31 dwellings per hectare.

4.40 The existing housing developments adjacent to the site are predominantly two storey detached houses set around cul-de-sacs; a number of the properties towards the north western edge of the site are designed with use of the roof space.

4.41 The design of the new scheme is considered to be designed with regard to the constraints of the site. It is also considered to accord with nationally recognised spacing and best practice advice and guidance contained within the NPPF. The Village Design Statement for Strensall and Towthorpe is at an advanced stage. Whilst this document is not yet council policy the design guidelines within it have been considered by Officers. The details of the scheme are considered to meet the overall requirements of the design guidelines although the support for increasing the

development at the edges of the village is not supported without the significant redesign of the village infrastructure.

4.42 The site has within it and along its eastern edge a number of trees covered by tree preservation order (TPO) number CYC 285. The development includes a number of areas of open space split across the site; the location of these spaces is largely determined by the need to protect TPO'd trees. The spaces are linked by footpaths creating a 'network' through the site. The main elements of open space are 'Heath Green' located on the western boundary adjacent to existing properties and overlooked by the new development on three sides. The space encompasses three TPO'd trees and provides informal play equipment so that it is the main equipped play space for the development and adjacent existing houses; 'Oak Green' located on the northern central part of the site encompassing four existing TPO'd trees and providing footpath link between estate roads; 'Brecks Green' which whilst providing a visual open space is being provided as part of the drainage attenuation and is not specifically designed for amenity use. A footpath link on the edge of Brecks Green from Brecks Lane is incorporated into the space. There are a further two small areas within the site which are provided essentially to protect existing trees. Along the full length of the eastern boundary is a further open area providing footpath link to the informal footpaths down to the river Foss paths over towards the north eastern corner of the site. This area is designed around the existing trees and varies in width between approximately 11 and 20 metres. The informal pathway which runs from Brecks Lane joins into the site at the various cul-de-sac heads from the development and runs to the north-eastern corner of the site. The application is also supported by a landscaping scheme which seeks to enhance the setting of dwellings by providing means of enclosure to front and rear areas and to enhance the open spaces within the site.

4.43 various amendments have been sought to the scheme relating to the proximity between the development and the existing trees and the enhancement of the development by the incorporation of adequate landscaping and appropriately treated amenity areas. In general the Landscape Architect is satisfied with the scheme subject to conditions relating to the schemes implementation. The area where the landscape Architect would have preferred a different treatment is along the eastern edge of the site where new boundaries to the residential gardens are to be created adjacent to the eastern landscape footpath. The preference would be for this to be a paladin (weld Mesh) fence rather than close boarded so that there would be a greater feeling of openness along the new footpath. The applicant would prefer to have a greater degree of enclosure than a paladin fence would offer but has redesigned the eastern boundary to respond to the concerns. The amendments consist of reducing the height of fencing where it relates to a front boundary or is adjacent to an open area to a simple knee railing and the reduction in the height of all other fencing to with trellis on top. Behind this fence line will be significant planting which the applicant is proposing to plant at the commencement of the development (or in the first planting season following commencement) so that plants have time to establish before the houses are occupied and so provide a good degree of landscape cover and less

reliance on fenced boundaries. The applicants proposal will in Officer's view provide a sufficient degree of openness for the footpath and will provide a landscape structure which could provide the future rear boundaries when fencing needs replacement. Permitted development rights for new fencing along this rear boundary are to be removed.

## RESIDENTIAL AMENITY AND ENVIRONMENTAL PROTECTION ISSUES

4.44 One of the core principles set out in paragraph 17 of the NPPF requires that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings policy. Policy GP1 of the DCLP has a similar requirement.

4.45 Adjacent to the existing development on the western and northern side of the site the proposal is to construct mainly two storey properties with one unit only incorporating rooms in the roof space on plot 17 and thus is a higher unit. The site's western and northern boundaries are defined by a number of different boundary treatments and to some degree the existing units along the boundary have developed over the years to respond to the open space enjoyed over the adjacent site. This presents some design problems when trying to integrate a new scheme adjacent to properties. The main issues relate to achieving boundary treatment that is acceptable to existing and proposed development particularly where there is hedging that provides maturity to existing properties but perhaps is not sufficiently high to provide privacy between garden areas and the later additions to dwellings such as conservatories that are located to benefit from the open aspect of the field. Alterations have been made to the scheme which seek to address these issues and conditions will be needed to provide some further details. An amended plan has been requested to make minor changes to the proximity between existing and proposed dwellings but in general terms the new scheme is accommodated in a way that creates an acceptable relationship between the two sites and in Officer's view accords with the requirements of the NPPF and the DCLP.

4.46 A noise and vibration assessment was undertaken and submitted with the application. Predicted internal noise levels are found to comply with the requirements of the World Health Organisation Community Guidelines. In view of this Environmental Protection do not have any concerns regarding noise from the railway line or area adversely affecting the amenity of the proposed dwellings. However Environmental Protection consider that an acoustic barrier may be beneficial along the boundary of the railway line in order to protect the amenity of residential dwellings adjoining this boundary. The applicant proposed an acoustic barrier (closes boarded fencing) as part of the application. The detailed design of the fence is conditioned for visual reasons.

4.47 A condition requiring an Environmental Management Plan for the construction phase of the development is sought to protect existing residential properties.



Conditions are also sought to restrict the hours of operation of the site where noise is audible beyond the site boundary and to require vehicles to be fitted with silencers.

4.48 An odour impact assessment was undertaken by the applicant in relation to Walbutts Wastewater Treatment Works operated by Yorkshire Water 400m away to the east of the site. The results of the assessment undertaken by ARUP indicate that levels of odour nearest the wastewater treatment works on the proposed site are unlikely to result in loss of amenity; no nuisance has been witnessed and no complaints received for 4 years or more as a result Environmental Protection is satisfied that the proposed dwellings are unlikely to be adversely affected by odour.

4.49 Records show that the proposed development site was previously used as military land and is located within 250m of a closed landfill site. The Desk Study Report submitted with the planning application confirms that a site investigation is required. The proposed scope is acceptable to Environmental Protection a condition is required to secure investigation of land contamination. In line with the NPPF and City of York Council's adopted Low Emission Strategy, any parking provision on the site should include facilities for recharging electric vehicles' a condition is proposed.

## HIGHWAYS, ACCESS AND PARKING ARRANGEMENTS

4.50 Section 4 of the NPPF addresses sustainable transport; it says that all development that generates significant amounts of movement should be supported by a transport statement or transport assessment. Plans and decisions should take account of whether: the opportunities for sustainable transport have been taken depending on the nature and location of the site; safe and suitable access to the site can be achieved for all people and improvements can be taken within the transport network that cost effectively limits the significant impacts. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

### Traffic Generation

4.51 The application has been supported by a Transport Assessment (TA). The TA assumes a development of 125 residential units. Based upon the nationally recognised TRICS database a residential development of this number of units can be expected to generate in the region of 76 vehicle movements in the AM/PM peak hours respectively.

4.52 Highway Network Management say that this equates to a little over 1 additional vehicle per minute and will not be perceivable when considering daily traffic fluctuations and existing traffic flows on the adjacent highway network. Furthermore this assessment is based on 125 units; only 102 are proposed which would reduce the anticipated level of traffic generated to 62 movements in the AM/PM peak periods.

### Access

4.53 The development is formed through the creation of 3 smaller sites, each served by it's own access point from the existing cul-de-sacs of;

Green Lane - 16 dwellings

Heath Ride - approximately 40 dwellings

Tudor Way - approximately 46 dwellings

4.54 Vehicles may drive between Heath Ride and Tudor Way; as such the number of dwellings served from Heath Ride/Tudor Way is based on dwellings which are likely to be served from each access when considering their distance from each access route. Access between Green Lane and the other elements of the scheme is restricted to pedestrians and cyclists only.

4.55 The existing highway network is publicly maintainable highway having been designed and constructed to adoptable standards. As such the roads in the local area are considered suitable in terms of width, construction and design to serve the proposed development.

#### Highway Impact

4.56 Traffic flow and turning proportion surveys have been undertaken on the adjacent highway at the junctions of The Village / Brecks Lane and Park Gate/Brecks Lane. These traffic flows have been modelled to reflect increases in background traffic flows which could be seen up to a future year of 2018.

4.57 The operation of the aforementioned junctions in the future year scenario (with and without development) has been assessed using nationally recognised junction assessment software. The modelling demonstrates that the level of traffic generated by the scheme will not have a material impact on the operation of either junction. Given the use of modelled background flows and over estimation of the number of dwellings developed on the site this is considered to be a very robust assessment.

4.58 The traffic surveys also monitored the frequency and duration of the operation of the adjacent level crossing on Lord Moors Lane together with the associated queue length that is subsequently generated. It is not considered that the increase in traffic generated by the development will detrimentally affect the operation of the crossing or significantly increase queuing in the locality during the crossings operation.

4.59 Concerns have been raised over the cumulative impact of development in The Village. The TA has assumed that all development traffic will turn right out of Brecks Lane and head towards the main village centre. The traffic surveys undertaken indicate that there is currently approximately a 50/50 split in vehicles turning right/left at this junction. As such it is reasonable to assume that a proportion of traffic will not head towards the Village. Based upon these figures the level of traffic travelling through the Village reduces from the 76 vehicles modelled in the TA to 38 vehicles during the peak network periods. This equates to in the region of 1 vehicle every 2 minutes.

4.60 Should development traffic associated with The Tannery site be taken into account (32 vehicle movements during the AM/PM peak periods) this equates to a total increase in traffic during the peak periods of 70 vehicles. This cumulative impact equates to just over 1 vehicle every minute. Furthermore the Tannery has been granted consent by the authority and as such issues relating to traffic generation cannot be revisited, nor is it reasonable or appropriate that the applicants of the development being considered be asked to remediate existing traffic issues within the Village.

#### Sustainability

4.61 The Brecks development is currently served by the high frequency service 5. This route enters and exits via Brecks Lane and turns around at Park Gate. The bus stop here is a 500m walk to the current end of Tudor Way and a 700m walk to the current end of Heath Moor/Green Lane. The development proposals include various traffic free pedestrian linkages between culs de sacs within the development and from Brecks Lane into the site. These are complemented by a footpath which is to be provided along the Eastern boundary of the site. These routes will provide direct traffic free walking routes to the bus stop at Park Gate. Walking distances to various parts of the development range from 500m to and absolute maximum of 900m. This represents a 6 to 11 minute walk. The national average distance of a walk journey or stage is 1000m, with national guidance allowing a maximum distance greater than this for commuting, journeys to school or other trips. The distances to the current bus stop is therefore within these criteria. Officers have considered the potential to divert the existing service 5 however this is not considered to be a viable option which would be supported by the operators. The service would be diverted along Brecks Lane, Thompson Drive, Heath Ride and Redmayne Square. This route is traffic calmed and has frequent ramped plateaux's and speed humps. This type of traffic calming is generally not used on frequent public transport routes due to issues that arise with discomfort, damage, noise and vibration. Car parking occurs along this route which could affect service reliability. Such a diversion would also increase the journey time of the service which could make it less attractive and result in the need for further buses being required to maintain the existing frequency. As such, on balance, it is considered that the development is sustainable and makes best use of the location.

#### Design

4.62 The internal layout is to be designed constructed and offered for adoption as public highway under a Highways Act Agreement. Vehicle swept paths have demonstrated that a refuse vehicle can successfully traverse the site without overrun and leave in a forward gear. The internal site layout has been designed to Manual for Streets principles, using design features to reduce vehicle speeds to 20mph or less. Casual caller/visitor parking has been designed in to the internal layout to provide areas of managed on-street parking. Dedicated traffic free footways have been incorporated into the scheme along likely desire lines. The levels of car and cycle parking provided are in accordance with CYC Annex E standards.

4.63 The existing cul-de-sac head to Heath Ride is partially within the application site. This section of road is an adopted highway and as the configuration of the road will change will partially be removed. As the road is adopted highway the section of the turning head to be removed will need to be extinguished under s.274 of the 1990 Planning Acts.

4.64 There are no objections to the scheme from a highway perspective.

## ENVIRONMENTAL STATEMENT

4.65 The development site is adjacent to the following designated nature conservation sites:

- Strensall Common Site of Special Scientific Interest (SSSI)
- Strensall Common Special Area of Conservation (SAC)

The SSSI and SAC are located approximately 400 metres to the east of the site. The Strensall Common site is designated for its lowland heath habitat.

4.66 The site was the subject of an Environmental Impact Assessment screening opinion as the scheme falls within the description of development set out in schedule 2 10b of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and the size of the site exceeds the relevant threshold being 0.5 hectares. The screening opinion from the Authority in July 2012 and the screening direction from the Secretary of State on the 7th December 2012 confirm this position. The Secretary of State considered the proposal has the potential to give rise to significant environmental effects in relation to the purposes for which Strensall Common has been designated. The site was the subject of a scoping opinion in September 2013 which sets out those issues to be addressed within the Environmental Statement. The focus of the ES is ecology and the assessment of the likely significant effects on Strensall common, landscape and visual impact and the related socio-economic effects.

4.67 The submitted Environmental Statement in officer's opinion includes all the information required by Part 1 and Part 2 of Schedule 4 of the Environmental Impact Assessment Regulations 2011. The Environmental Statement is set out over a number of chapters covering the following:

- Chapter A - Introduction and background
- Chapter B - Scope and methodology
- Chapter C - Site description and proposals
- Chapter D - Socio Economics
- Chapter E - Ecology
- Chapter F - Landscape and Visual Impact
- Non-Technical summary.

## Ecology

4.68 National and local policies are against net loss of natural resources (species, habitats or sites) and the damage, deterioration or other adverse effect upon those resources, be they within the site or within influence of the site. Policy also requires, in addition to protection of natural resources, enhancement of the natural environment to be delivered through proposals wherever possible. Should development result in adverse effects that cannot be reduced to satisfactory levels and should opportunities not be sought to improve biodiversity assets within the site or local setting, the proposal will be contrary to policy.

4.69 The ecology chapter of the ES addresses the ecological impact of the development through a desk top study, extended phase 1 habitat survey, aboricultural survey, amphibian survey, badger survey, ground-based bat survey and a visitor survey (covering visitors to Strensall common). These documents are used to undertake an ecological impact assessment in accordance with the methods for evaluation of impact significance set out in the Chartered Institute for Ecology and Environmental Management. The report concludes that no significant effects are predicted to arise on features of ecological value as a result of the development.

4.70 The Countryside Officer considers that the level of information provided within the Environment Statement Ecology Chapter and appended survey reports is thorough and covers all the main interests sufficiently.

#### Habitats

4.71 The main grassland field has some limited floristic interest but as the field has been left unmanaged in recent years a lot of this interest has declined and in some areas brambles, nettle and willow herb are becoming dominant, reflecting the increasing nutrient levels. There are opportunities as part of the development for retaining and improving some of this interest, particularly in the areas around the retained in-field trees and proposed greens. A suitable management plan and cutting regime will though need to be drawn up for these areas (as part of a whole site management plan) to enhance these areas. This can be conditioned. Additional plug planting in these areas is suggested.

#### Greater Crested Newts (GCN)

4.72 GCN surveys have been carried out on three ponds situated close by and the methodology used and timings were acceptable and in accordance with survey guidelines. No GCN have been found in any of the ponds surveyed and whilst the site presents suitable terrestrial habitat no further survey work is considered necessary.

#### Badger

4.73 There are records of badger within this local area and the site provides suitable foraging habitat. There were no signs of badger use or setts found during the phase 1 survey, but it is agreed that there should be some precautionary measures in place

during construction to ensure that there is no disturbance/impact. The survey should also be updated prior to work.

#### Otter and water vole

4.74 Both otter and water voles have been recorded using this stretch of the river Foss but it is agreed that the proposed work here is unlikely to cause any impact.

#### Breeding birds

4.75 Any removal of vegetation should be carried out outside of the bird breeding season to avoid any disturbance to nesting birds. This should be made a condition.

#### Bats

4.76 No bat activities surveys have been carried out, only daytime visual assessments of mature trees on site. T29 which is to be removed has medium-high bat roosting potential (category 1) and further survey work will be required here prior to any pruning or felling (as specified within section E6.7 of the ES report). One of the infield oaks was also identified as a category 1\* which is the highest value to roosting bats. This tree is being retained but its value to bats needs to be taken into consideration with regard to lighting schemes (see below) and also to any future management (pruning work/health and safety issues etc particularly with regard to their current condition and proximity to residential properties). It is recommended that surveys are carried out on trees with bat roost potential, even if they are being retained as part of the scheme, as part of any Mitigation Scheme and Management Plan. This will help to inform their sensitive management and ensure their long term viability and continued provision of valuable wildlife habitat. New roosting habitat should be provided on site as part of the development, through both the installation of professional quality bat boxes in retained mature trees on site as well as incorporated into some of the new builds. Additional information is needed in relation to the position of lighting columns. There should be no direct illumination of bat foraging areas, commuting routes or roost locations and no lighting of the footpath along the eastern boundary.

#### Visitor Survey

4.77 The assessment of likely significant effects on Strensall common report was produced following a visitor survey. The Countryside Officer is a little sceptical about the results referring to Yorkshire Wildlife Trust's comments on the application. Yorkshire Wildlife Trust manages the northern part of the reserve; the area that appears to be most used by dog walkers. They indicate that some damage is already apparent as a result of walking through the site. A number of measures are suggested to be included within the development proposals to mitigate any damage these are: information to the residents about Strensall Common and the importance of the habitat; providing leaflets to householders and also a notice board with interpretation. Information on clearing up after dogs should be included; Contribution towards increased wardens on the reserve to cover increased trampling and littering; Contribution towards events to introduce residents to the reserve and the importance of Strensall Common; Membership of the Yorkshire Wildlife Trust provided for new

residents which would give some funding towards alleviating pressure on the reserve; there may also be a need to monitor pressure on paths and grazing animals. Officers do not necessarily agree that all these measures can be achieved through the application submission as the level of increase estimated at a maximum of an additional 10.7 per day would not warrant this. The applicant is offering to provide £10,000 worth of funding towards a new bridge over the river Foss and maintenance of adjacent public rights of way. This will provide an alternative route for dog walking toward to the river Foss (except in times of flood) and will add significantly to the value of the footpaths in the area. The City of York Council footpaths Officer supports the contribution towards the bridge as this will allow the bridge scheme to come forward the rest of the money for the bridge scheme has, Officers understand, already been identified.

4.78 Officers do support Yorkshire Wildlife Trust's suggestions to provide leaflets to new householders on the value of the common and an interpretation board at the entrance to the eastern footpath on the application site showing the various footpath routes and wildlife value of the area. These requests are considered to be sufficiently related to the development and will be conditioned as part of the application.

4.79 The Countryside Officer initially raised concerns that the development did not provide sufficient space between the tree belt on the eastern side of the site and the development. Since that time the scheme has been amended to provide additional space along the length of the eastern boundary. The Countryside Officer considers that the amendments make for a much improved buffer zone along this edge. Not only does this create an improved foraging and commuting corridor for wildlife but it also creates a better footpath link down to the riverside and a more reasonable maintenance area to allow for future tree and scrub management.

4.80 It is also noted that Natural England have responded confirming they have no objections to the proposals this view constitutes their response under the Conservation of Habitats and Species Regulations 2010 (The Conservation Regulations) and Section 28(I) of the Wildlife and Countryside Act 1981 (as amended). In terms of impact on protected species they refer to their standing advice and say that this is an issue that should be dealt with at local level.

4.81 Overall with a mitigation strategy in place secured by condition; the provision of a contribution towards the footbridge over the River Foss, the conditioning of interpretation information to new residents and an interpretation board at the entrance to the eastern footpath it is considered that the scheme will not have any significant adverse effects on Strensall Common.

#### Landscape and Visual Impact

4.82 The landscape and visual impact document identifies that the site falls within National Landscape Character Area NCA 28, the document provides an assessment of the local context of the site, a general description of the site, the existing

infrastructure and development land use and vegetation, land form, public rights of way and landscape character assessment. The potential visual effects of the development during construction phase and following completion of the development is assessed. The report concludes that the landscape strategy proposed (the detail of which has been considered in assessing potential impact) does not attempt to screen the new development from existing housing but rather present it as a valuable new asset to the local area. It is assessed that the overall development will make a positive contribution to this part of Strensall village.

### Socio/Economic Effects

4.83 The submitted report sets out socio-economic effects arising from the construction and operation phases of the development. The report says that the total construction cost for the development is approximately 12.4 million pounds. The construction phase would be over 3 years and there would be around 82 job opportunities directly created each year. A proportion of these jobs would be taken up by the local work force. Local businesses would benefit during the construction phase through increased expenditure. There will be no direct employment benefit from the completed scheme. The population increase as a result of the development is judged as positive and of minor magnitude. The impact of the new development on the York labour market, deprivation and housing is considered to be positive and moderate. The commuting impact is assessed as negligible and neutral. The impact on education is assessed as negative and moderate scale as the pupil generation would exceed existing capacity within the primary school. The impact on health care facilities is considered to be negative but of negligible scale because the baseline indicates that current GP and dental care in the area is reasonable and there is potential for additional growth. The impact on open space and recreation provision is assessed as minor negative due to additional pressures on existing facilities. The impact on community facilities is considered negative but of negligible scale as more residents will create more pressure on existing facilities and no new provision is proposed.

4.84 The main areas of impact are those on the school facilities and open space/sports provision. Many of the objection letters raise the same concerns. The report argues that the impact on school facilities and open space provision is mitigated by the provision of section 106 money in the case of school facilities and s.106 money and provision of space within the site in relation to open space and sports facilities.

### School facilities

4.85 The Strensall primary school is full and the Huntington Secondary school is near capacity. policy ED4 of the DCLP says 'In considering proposals for new residential development, any consequences for existing schools, early years and other community facilities will be assessed in accordance with the approved Supplementary Planning Guidance' The adopted supplementary planning document for education sets out the basis for calculating the required commuted sum for education facilities where existing facilities are at capacity. In accordance with this document the



Education section require a contribution for 26 places in primary school and 1 for Huntington Secondary school equating to £329, 647. The contribution sought is that required by the current council policies and as such is that which is considered necessary to mitigate the additional burden created by a development where existing facilities are at capacity.

## Open Space

4.86 Similarly commuted sum payments for open space in new developments adopted for development control purposes sets out the contributions required for new developments and the levels of provision necessary if the open space is to be on site. In the case of this development the play area and open space provision is located on site and a contribution of £70,247 is being sought through a s.106 agreement for the off site sports provision. The applicant is providing the levels of facilities required by policy and therefore this is considered sufficient mitigation to balance the negative impacts associated with the additional pressure on open space, play equipment and sports facilities in the area.

4.87 With these identified impacts resolved through the payment of s. 106 contributions in accordance with council policy and through the design of the scheme the socio economic impact of the development is mitigated within the development proposals.

4.88 The submitted environmental statement is considered to have covered those issues identified in the screening and scoping opinions. It is concluded that the development will not have significant adverse effects on the Strensall Common designation as an SSSI and SAC site. Furthermore the socio-economic considerations set out in the statement are adequately addressed through the Council's requirements set out in Supplementary planning documents and through the requirements of a section 106 agreement covering open space and education payments.

## AFFORDABLE HOUSING

4.89 The Housing Strategy and Enabling Team are satisfied that the affordable housing within the scheme complies with the council's interim affordable housing approach by providing 30% affordable housing on a Greenfield site. The affordable housing will be fixed for a period of three years. Should the development have not meaningfully progressed during this period the level of affordable housing will be revised in line with the council's target applicable at that time. The agreed affordable housing provides a range of family house types, with a particular concentration of two and three bed houses which are identified as the city's priority need in 2011 Strategic Housing Market Assessment (SHMA). It also provides four bed family houses for social rent and Discount Sale. The above is based on a 65:35 split between social rent and Discount Sale. Should no buyer be found for the Discount Sale homes they will

revert to an intermediate market rent until such time as an eligible buyer is identified. The Discount Sale prices will be £78,000 for the two bed houses, £93,000 for the three bed houses, and £103,000 for the four bed houses. The homes are pepper-potted throughout the site in runs of no more than two affordable homes. The Housing Strategy and Enabling Team support this application which complies with the Council's affordable housing policy and will provide much-needed new quality affordable homes in a mixed and sustainable community.

## Drainage

4.90 The site is located within Flood Zone 1. ( Land to the north of the site where levels drop considerably towards the river Foss is located within Flood zone 3). The applicant has submitted detailed drawings to our Flood Risk Management Team to show how surface water will be drained from the development. This consists of a series of over sized pipes which discharge at an agreed rate (6 litres per second) into the surface water drain at the end of Tudor Way with an overflow for storm conditions into the area on the southern side of the site described as Brecks Green. The contours for Brecks Green show the land levels between the edge and the centre sloping inwards with a maximum change in level of about 1 metres thus providing capacity to take overflow water. The Flood Risk Management team are satisfied with these details in principle subject to a condition which controls the full details of the scheme. Yorkshire Water Authority indicate in their response that foul water should be disposed of into sewers located at Moray Close and Tudor Way. They also indicate that from the information supplied it is not possible to tell if the whole scheme will drain by gravity to the public sewer network. If the ground level of the site is below the level of the connection to the public sewer the developer may have to take precautions by either raising ground levels; pumping the discharge from site and/or the installation of none return valves. Conditions are requested by Yorkshire water Authority to ensure that a satisfactory drainage scheme is achieved.

4.91 The principle of the drainage of the site has been agreed for surface water. In relation to foul water Yorkshire Water Authority are not objecting to the development although a scheme for discharge will need to be agreed and this is proposed to be conditioned.

## OPEN SPACE -DETAIL

4.92 As discussed above at 4.81 the levels of open space on site and the off site contribution for sports facilities meets the policy requirements of L1c of the DCLP and the advice note commuted sum payments in new developments. The equipped play space is located at Heath Green. The details show nine pieces of play equipment set in an informal arrangement and consisting of 'rustic' equipment such as balance beams and striding stilts. The equipment is overlooked by three of the new houses to the south of the green. To the western boundary the existing properties back on to the Green. The proposal is to construct a new close boarded fence on the boundary of the site. Heath Green are extends to 0.219 Ha. The other open areas will not be equipped

but are bisected by footpaths and will be landscaped. The open areas are to be managed through a scheme to be agreed as part of the s.106 legal agreement for the site and through a management company. The managed areas will include the tree belt to the east of the site. However Brecks Green on the south of the site, the drainage attenuation area, will be offered to Yorkshire Water for adoption.

## SUSTAINABILITY

4.93 The development is expected to meet the requirements of the Council's planning guidance Interim Planning Statement (IPS) on Sustainable Design and Construction. Conditions are proposed to require code for sustainable homes level 3 and 10% renewables on site. The applicant has indicated that the renewables will be met by the installation of solar panels on appropriately orientated dwellings.

## 5.0 CONCLUSION

5.1 The Secretary of State in considering other sites in the City of York area has, in the absence of a formally adopted boundary, dealt with new housing sites as if they were in greenbelt and therefore found it necessary to establish if there are very special circumstances that outweigh the green belt status of the site. In the absence of an up to date local plan and having regard to the early stage of the emerging local plan Officers consider that the site is within green belt and needs to address the test of very special circumstances. Officers have considered the site's characteristics and the policy history of the site and conclude that taken together the lack of a five year housing land supply; the history of the site as reserved land and its proposal for allocation; the contribution the site would make to the housing land supply, including affordable housing and the fact that the site characteristics are such that the land does not serve any of the green belt purposes as set out in the NPPF or Regional Strategy represent very special circumstances which would outweigh harm to the green belt by reason of inappropriateness. The application will need to be referred to the Secretary of State under the terms of circular 02/2009 of the Town and Country Planning (Consultation) (England) Direction 2009.

5.2 Assessing the development in relation to housing and sustainability policies in the NPPF it is considered that the development proposes a mix of market and affordable housing; is identified as part of the deliverable housing sites in the housing selection paper, is proposed to be commenced in the short term making the site deliverable in the context of NPPF advice (section 6). The 2005 local plan envisages the site's development post 2011, earlier plans have also reserved the land for future development and the emerging local plan seeks to bring the site forward for housing. It is considered that in principle the development of the site is supported by the presumption in favour of sustainable development as set out in Paragraph 14 of the NPPF provided there are no impacts arising from the details of the scheme which would significantly and demonstrably outweigh the benefits.

5.3 The details of the housing layout including the provision of open space and landscaping are acceptable.

5.4 The Environmental Statement satisfactorily addresses the proximity of the site to the Strensall Common a Site of Special Scientific Interest and a Special Area of Conservation through various reports covering ecology, Landscape and visual assessments and socio-economic issues.

5.5 Highway Network Management is satisfied, through a consideration of the submitted Transport Assessment that the scheme can be accommodated without detriment to the highway network. An existing section of highway will need to be extinguished under the 1990 Planning Acts.

5.6 The application requires a Section 106 obligation, in order to secure the following benefits:

- 30% Affordable housing in accordance with the submitted details
- A contribution of £70,247 for the off site sports provision and Public Open Space & Amenity Land Construction, Management and Maintenance Plan.
- A contribution for 26 places in primary school and 1 for Huntingdon Secondary school equating to £329, 647
- £10,000 towards the provision of new foot bridge over the river Foss and maintenance of the surrounding footpaths.

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** That the application be referred to the Secretary of State under the terms of circular 02/2009 of the Town and Country Planning (Consultation) (England) Direction 2009, and provided that the Secretary of State does not choose to recover the application for his own determination, and subject to the satisfactory completion of a section 106 obligation to secure the matters set out in paragraph 5.6 above, APPROVE subject to the following conditions, and any other conditions considered appropriate:

1 TIME2 Development start within three years -

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

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

3 VISQ8 Samples of exterior materials to be app -

4 No development shall take place until there has been submitted and approved  
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in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development except in the case of the details along the eastern boundary with the new houses where the scheme shall be implemented in the first planting season following commencement 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 and to ensure that the boundary adjacent to the amenity area develops a degree of maturity prior to the occupation of any dwelling on the eastern boundary in the interests of the protection of biodiversity and in the interests of residential and visual amenity.

5 Before the commencement of development, including the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include sufficient information to ensure the safe retention and sound protection of the trees. It shall include details and locations of protective fencing, phasing of works, type of construction machinery/vehicles to be used, arrangements for loading/off-loading, parking arrangements for site vehicles and visitors, locations for stored materials, and location of marketing cabin. It shall include construction details and methodology for paved areas that may encroach into the root protection area of the trees. It shall include contact details for the arboriculture consultant or other suitably qualified person whom shall be overseeing protection of the trees for the duration of the development process.

Reason: To protect existing trees which are covered by a Tree Preservation Order and/or are considered to make a significant contribution to the amenity of the area and the development.

6 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration, dust and lighting during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

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

7 All machinery and vehicles employed on the site shall be fitted with effective  
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silencers of a type appropriate to their specification and at all times the noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities, shall be minimised in accordance with the guidance provided in British Standard 5228 (2009) Code of Practice; 'Noise Control on Construction and Open Sites'.

REASON: To protect the amenities of adjacent residents

8 All demolition and construction works and ancillary operations which are audible beyond site boundary or at the nearest noise sensitive dwelling, including deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Friday 08:00 to 18:00

Saturday 09:00 to 13:00

Not at all on Sundays and Bank Holidays.

REASON: To protect the amenities of adjacent residents

9 No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority to demonstrate how the development will provide, from on-site renewable energy, 10 per cent of the developments predicted energy demand. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be implemented before first occupation of the development. The site thereafter shall be maintained to at least the required level of generation.'

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and the Interim Planning Statement 'Sustainable Design and Construction

10 Prior to the commencement of the development, the developer shall submit for the written approval of the Local Planning Authority an initial Code for Sustainable Homes (CSH) Design Stage assessment for the development. Unless otherwise agreed in writing with the Local Planning Authority, this shall indicate that at least the minimum code level 3-star rating will be achieved. This shall be followed by the submission of a CSH Post Construction Stage assessment, and a CSH Final Certificate (issued at post construction stage). These documents shall be submitted to the Local Planning Authority after completion and before first occupation of the building. Both documents submitted shall confirm that the code rating agreed in the initial CSH Design Stage assessment has been achieved.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and Paragraphs 4.1 to 4.6 of the Interim Planning Statement 'Sustainable Design and

Construction' November 2007.

11 No development shall take place until a detailed habitat management plan and enhancement scheme has been submitted to and approved in writing by the Local Planning Authority. This shall include a method statement for the protection of habitat during construction and the post development management of the area. The development shall be carried out and managed in complete accordance with the approved details.

The plan should include:

- i. Details of what assessments, protective measures and sensitive work practices are to be employed, prior to and during construction, including timing of work and list of persons responsible.
- ii. Details of what measures are to be provided within the design of the new buildings and landscaping to enhance the biodiversity of the site.
- iii. Provision and protection of an area of buffer habitat alongside the eastern boundary hedgerow.
- iv. Prescriptions for the management in perpetuity of the buffer habitat, hedgerows and open spaces within the development.
- v. Details of the inspection of any trees which may need to be felled, pruned or disturbed in the future, as close to the date of work as possible and no earlier than one month prior to any work to confirm the absence or otherwise of roosting or hibernating bats.
- vi. Details of what contingency procedures are to be in place in the event that bats are found following commencement of development.

Reason: To take account of and enhance the habitat and biodiversity of the locality in accordance with advice in the National Planning Policy Framework.

Note that under National Planning Policy Framework (NPPF) the replacement/mitigation proposed should provide a net gain in wildlife value.

12 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.

13 Unless otherwise approved in writing by the Local Planning Authority there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no building shall be occupied or

brought into use prior to the completion of the approved foul drainage works.

Reason: To ensure that no foul or surface water discharges take place until proper provision is made for their disposal.

14 Surface water draining from areas of hardstanding shall be passed through a trapped gully or series of trapped gullies, prior to being discharged into any watercourse, soakaway or surface water sewer. The gully/gullies shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to the occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water shall not pass through the gully/gullies.

Reason: To reduce the risk of pollution to the water environment.

15 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

1. In accordance with City of York Councils Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards peak surface water run-off from the development must be attenuated to that of the existing rate (based on a Greenfield run off rate of 1.40 l/sec/ha). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. Therefore maximum surface water discharge = 6.0 l/sec

2. Details of flow control pumping station to be submitted limiting the maximum surface water discharge to maximum 6.0 l/sec.

3. Details of attenuation pond must be provided.

4. The applicant should provide a topographical survey showing the proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

5. Written consent should be sought from Yorkshire Water with regards to connection of foul and surface water into their sewers.

6. Details of the future maintenance/management of the drainage system.



Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site and that provision has been made to maintain it.

## 16 Investigation of Land Contamination

Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);

(ii) an assessment of the potential risks to:

o human health,

o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

o adjoining land,

o groundwaters and surface waters,

o ecological systems,

o archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

## 17 Submission of Remediation Scheme

Prior to development commencement of the development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and

historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

#### 18 Verification of Remedial Works

Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

#### 19 Reporting of Unexpected Contamination

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

20 HWAY1 Details roads,footpaths,open spaces req. -

21 HWAY7 Const of Roads & Footways prior to occup -

22 HWAY18 Cycle parking details to be agreed -

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

Reason: In the interests of highway safety.

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

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

25 For each dwelling, a three pin 13 amp external electrical socket should be installed on an external wall adjacent to the driveway of the property, or within the garage space. The socket should comply with the requirements of BS1363 or an equivalent standard and where mounted on an external wall, must have a locking and weatherproof cover

Note: Any sockets provided must comply with Building Regulations and be suitable for outdoor use.

Reason: To promote sustainable transport through the provision of recharging facilities for electric vehicles / bikes / scooters

26 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. The scheme shall be carried out in accordance with the levels shown on drawing no. 860-ENG-O3 rev A.  
Note: The existing ground levels are shown and shall be maintained adjacent to the site boundary with existing residential properties.

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 and existing residential properties.

27 Prior to the commencement of the development or within such longer period as may be agreed in writing with the local Planning Authority (LPA) prior to commencement a large scale detail of the equipped play area and details of each

piece of equipment and any associated fencing and pathways shall be submitted to and approved in writing by the LPA. The approved details shall be implemented to the satisfaction of the LPA within 6 months of the occupation of the last dwelling on the site.

Reason: To accordance with policy L1c of the Development Control Local Plan which requires adequate provision of play space and amenity provision within the site.

28 Prior to the commencement of the development details of the acoustic fence to be placed on the southern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the fence shall be installed in accordance with the approved details before plots 86 to 89 are first occupied.

Reason: In the interests of visual and residential amenity.

29 Prior to the commencement of the development a large scale detail of the new fence to be constructed along the eastern boundary adjacent to rear gardens shall be submitted to and approved in writing by the local planning authority. The approved detail shall be implemented to the satisfaction of the Local Planning Authority before any dwelling along the eastern boundary is occupied.

Reason: In the interests of the amenity value of the amenity land adjacent to the eastern boundary of the site

30 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Development Order 1995), (or any Order revoking or re-enacting that Order), no replacement or additional fences, gates, walls or other means of enclosure shall be erected along the eastern boundary within plots 8,10,11,37, 38, 40, 42, 43, 44, 63, 64, 67, 68,83,84,and along the western rear boundary of plots 18,19, 96 to 99 and 102.

Reason: In the interests of visual amenity of the amenity area adjacent to the eastern boundary and to safeguard existing hedging and residential amenity on the western boundary of the site.

31 Prior to work commencing on plots, 93, 96 to 99 and 102 a details of the rear boundary fencing ( or other agreed appropriate detail) to be constructed on the joint western boundary with existing residential properties and plots 4 to 7 on the northern boundary adjacent to the existing trees, the side and rear boundary of plot 18 and rear boundary of plot 19 and the side boundary facing Moray Close shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented to the satisfaction of the Local Planning Authority before the dwellings on these plots are first occupied.

Reason: In the interests of the residential amenity of existing properties and to protect the existing hedge to the rear of plots 93, 96 to 99 and 102, to protect the trees to the

rear of plots on the northern boundary and in the interest of visual amenity in relation to the side boundary of plot 1, 18 and 19.

32 Prior to occupation of the dwellings a full lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall detail the locations, heights, design and lux of all external lighting. The development shall be carried out in accordance with the approved lighting scheme.

Reason: In the interests of the amenities of nearby occupants and visual amenity.

33 Prior to the commencement of the development or within such longer period as may be approved in writing with the Local Planning Authority (LPA) prior to the commencement of the development details of the way in which the footpath through the amenity area on the eastern boundary will be delineated and surfaced including a large scale detail of the connection of the footpath with Brecks Lane shall be agreed in writing with the LPA. Thereafter the approved detail shall be implemented to the satisfaction of the LPA within a timescale to be agreed as part of the submitted scheme.

Reason: To ensure that the footpath is provided having regard to the proximity to trees and to ensure the optimum use of the area as a public right of way

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

### **1. INFORMATIVE:**

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

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

### **2. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH**

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- Discussions and amendments to the layout of the scheme.

- S.106 agreement negotiated

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.

**Contact details:**

**Author:** Diane Cragg Development Management Officer (Mon/Tues/Wed)

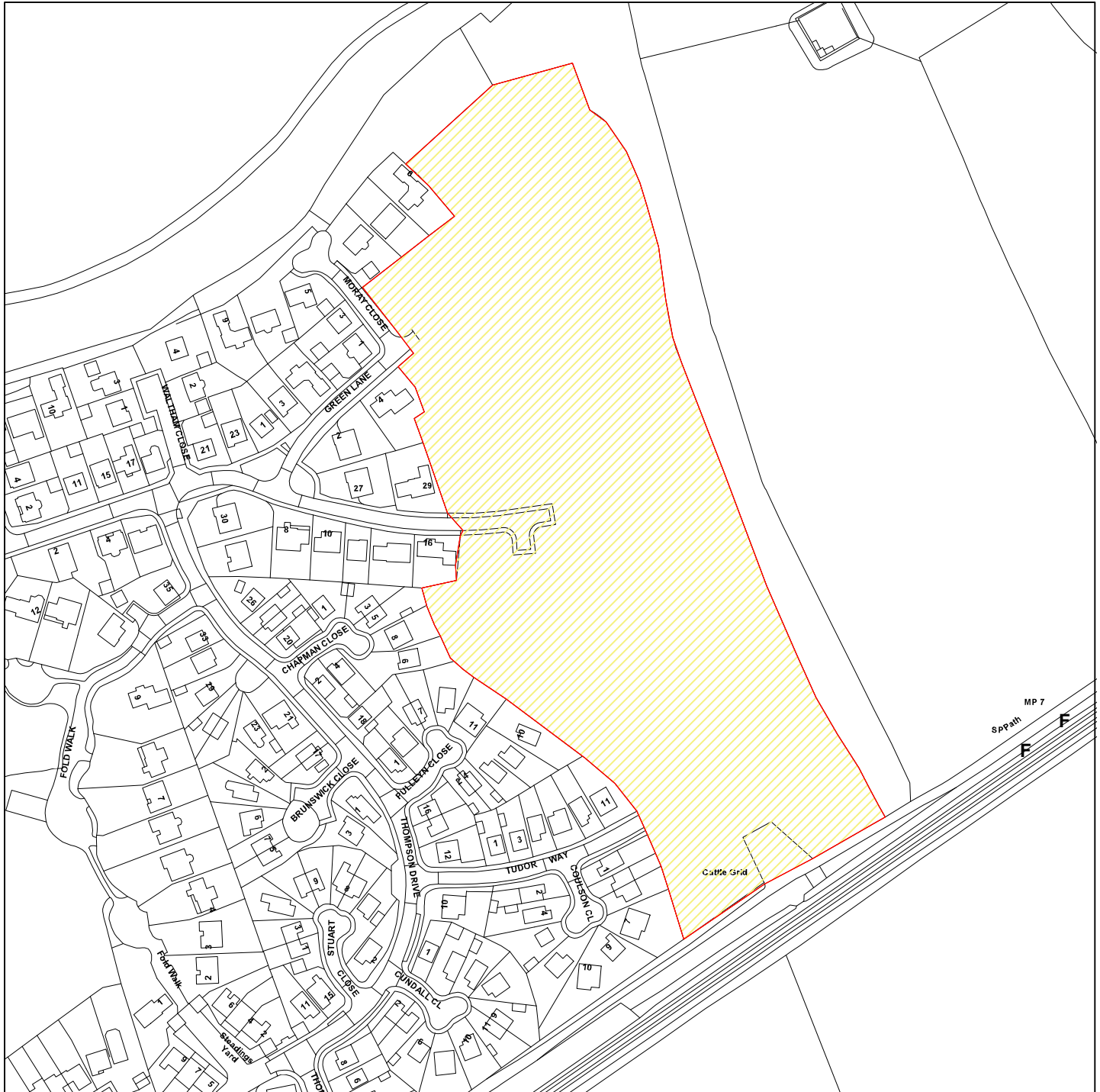
**Tel No:** 01904 551351

# 13/03267/FULM

## Land Lying To The North Of Brecks Lane, Strensall



GIS by ESRI (UK)



Scale : 1:2500

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	11 February 2014
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 20<sup>th</sup> February 2014      **Ward:** Guildhall  
**Team:** Major and                      **Parish:** Guildhall Planning Panel  
Commercial Team

**Reference:** 13/03015/FULM

**Application at:** Hungate Development Site Hungate York

**For:** Erection of part 5/part 6 storey building comprising 195 residential units, 1 no. commercial unit (flexible use with uses classes A1, A2, A3, A4 or D1), parking, access and landscaping. (Full application for Phase 2 of the Hungate Development scheme)

**By:** Hungate York Regeneration Limited

**Application Type:** Major Full Application (13 weeks)

**Target Date:** 13 December 2013

**Recommendation:** Subject to Section 106 Agreement, Approve

**1.0 PROPOSAL****THE SITE**

1.1 This application relates to the Hungate development site, which is located between the Stonebow to the northwest and the River Foss to the south. This particular application relates to Phase 2 (Block E), which would sit between the built and occupied Block C to the east and the building detailed as the focal building in the 2004 Masterplan, to the west.

1.2 The site lies just outside the Central Historic Core Conservation Area with the Conservation Area boundary following the north bank of the Foss, directly adjacent to Block E. Rowntrees Wharf, a grade II listed building, is sited opposite the application site, on the south bank of the river.

**THE PROPOSAL**

1.3 Full planning permission is sought for the erection of a part 5/part 6 storey building comprising 195 residential units and one commercial unit (flexible use within uses classes A1, A2, A3, A4 or D1).

1.4 Reserved matters applications for Phase 2 have been approved in November 2007 (07/01901/REMM) and January 2013 (10/02534/REMM). This scheme seeks revisions to the previous approvals and given that the reserved matters application for Phase 2 had to be made to the Local Planning Authority by August 2012, a full planning application (rather than a reserved matters application) has been made.

1.5 The application proposes the following key revisions to the extant approval in place;

- (i) an increase in the number of residential units from 175 to 195,
- (ii) a reduction in the amount of commercial floorspace with one retained unit on the North West corner of the building for A1 to A4 or D1 use,
- (iii) the enlargement of the basement to enable additional parking.
- (iv) the north eastern corner of the building has been squared off (rather than curved as approved under 10/02534/REMM),
- (v) the elevation facing the focal building has been pulled back at ground level to create greater separation between the two buildings.
- (vi) the curved corner facing onto St. Johns Square has been raised from 5 to 6 storeys.
- (vii) remodelling of the mass at roof level to provide flat roofed areas with green roof and solar PV panels.

## **ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS**

1.6 This full application is considered to be a subsequent application in relation to Schedule 2 development in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Due to the scale and nature of the Hungate development, an Environmental Impact Assessment (EIA) was undertaken and an Environmental Statement (ES) submitted to accompany the outline application in 2002. A number of revisions were made to the outline planning application and an Addendum to the 2002 ES was prepared to summarise the effect of the revisions on the ES together with other revisions to the assessment methodologies for the transport and air quality assessments. This was referred to as the 2005 ES Addendum.

1.7 Further consultation resulted in some additional amendments to the design with revised drawings submitted in 2005. The 2002 ES and 2005 ES Addendum were then reviewed to consider whether the proposed modifications would result in any further changes to the environmental impacts of the scheme, this report entitled "EIA Implications of Design Amendments" and dated June 2005. A letter report "EIA Implications of Design Amendments" dated October 2010 was also submitted to describe the EIA implications of the proposed modifications to Phase 2 in the most recent reserved matters approval.

1.8 This application has been accompanied by a further letter report which assesses the effect of the proposed modifications to the scheme on the findings of the 2002 ES, 2005 ES Addendum and 2005 EIA Implications Report and 2010 letter report. The report concludes that the proposed revisions would have a negligible effect on the findings of the aforementioned reports.

## **COMMUNITY PARTICIPATION**

1.9 The applicant held a public exhibition in the summer of 2013, prior to which advertisement was undertaken to raise awareness of the event and encourage attendance which included letters to key stakeholders and the local community. The exhibition comprised a display of boards which detailed the plans for the development and representatives from the applicants design team were available to address questions and provide further explanation. Comment forms were provided at the exhibition. A total of 52 people attended and 30 feedback forms were completed.

1.10 From the comments submitted, the applicants conclude that it was evident that there are various specific and detailed elements of the scheme proposals that are of interest to the community. In overall terms, the applicant states that the general response is fully supportive of the development coming forward and in the main complementary to the design concept proposed. The applicant states that they "very much hope that the revisions now included and the clarifications stated, address, where it has been possible to incorporate, the various comments made".

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

2.2 Draft (Development Control) Local Policies:

CYGP1 - Design

CYGP4A - Sustainability

CYGP9 - Landscaping

CYHE2 - Development in historic locations

CYH2A - Affordable Housing

CYH3C - Mix of Dwellings on Housing Site

CYT4 - Cycle parking standards

### **3.0 CONSULTATIONS**

#### **INTERNAL**

##### **Planning and Environmental Management**

Design and Sustainability Manager

3.1 This proposal represents a careful re-working of the design for this block within the context of the outline approval and the extant reserved matters approval. In design terms the changes are successful in tightening up the articulation of the elevations to the Foss and the street/ squares. The potential loss of vitality at street level in removing commercial units has to be balanced against the strong emphasis on maintaining the unit fronting St Johns Square.

3.2 The additional storey height to the North West corner is partly justified by it matching the height of the adjacent corner block, as established by the approved masterplan framework. Its importance is emphasised by the 'squaring off' on plan of the North East corner to the block. The height in this location would not have a detrimental impact on the courtyard amenity of this block (because it is to the north side) and the additional shading to St Johns Square should not be significant. The treatment of the elevation provides an opportunity for the block to make a slightly stronger statement and have a clearer identity in the composition of the whole square. Improvements have been made over the original submission, but the final details should be conditioned to ensure this objective is achieved and that the development creates a place of enduring quality in line with the NPPF policies on Good Design.

Landscape Architect

3.3 This scheme gives more generous private areas to the ground floor apartments, which is considered a reasonable approach. A simple approach to the central communal area is fine provided the plant selection is bold and offers interest throughout the seasons. The areas of green roof are welcomed.

Archaeologist

3.4 All archaeological matters relating to development in the Hungate Phase 2 area were dealt with through the approval of the outline application.

3.5 Although the revisions set out in this application introduce marginally greater disturbance to sub-surface deposits, they do not require any additional archaeological actions. No further archaeological conditions are therefore necessary

## **Highway Network Management**

3.6 The highway implications of the redevelopment of the Hungate area have been previously considered and approved subject to contributions and off-site highway works. The car parking for the building is provided as per previously approved. 78 No. car spaces are proposed; this represents an increase of 27 spaces over the aforementioned consents. The additional levels of traffic which would be generated by the increase in spaces are negligible and would not be considered to have a material impact in the day to day operation of the adjacent highway network.

3.7 The level of cycle parking being provided is to the same ratio as has been considered and approved through the Hungate masterplan.

## **Environmental Protection Unit**

3.8 The site already has outline permission and reserved matters approval and EPU do not have any specific concerns regarding the proposals. Reiterate comments made on the historic planning application as follows.

### Noise and odour

3.9 The general principal for residential development on the site has long been established. The principal noise issues associated with the development relate to the impact the development could have on existing residential receptors and the impact of the commercial unit on the proposed dwellings and existing residential units. Recommend conditions relating to hours of demolition and construction during the development of the site, the submission of a construction environmental management plan (CEMP), the hours of operation and hours of delivery for the commercial unit , a scheme of noise insulation for the residential units adjoining the commercial unit, details of plant and machinery, building envelope and extraction.

### Land Contamination

3.10 A Remediation Strategy was previously submitted and agreed for the Phase 2 and 3 development areas in 2008. The proposed remedial works include the decommissioning and removal of underground storage tanks, excavation of a cyanide hotspot, installation of gas protection measures and importation of a clean cover layer in areas of soft landscaping. Conditions relating to land contamination recommended.

### Air Quality

3.11 Since the previous approval was granted the NPPF has been released and the Council has adopted a low emission strategy in October 2012 to transform York into a nationally acclaimed low emission city. The environmental protection unit would

recommend that 4 of the proposed 78 bays are fitted with electric vehicle charging points and request that the electrical installation is such that the addition of 4 extra points would not require extensive further groundwork should there be demand for further points in future years (i.e. sufficient electrical cabling is provided from the outset).

## **Forward Planning**

3.12 No policy comments to make.

## **EXTERNAL**

### **Environment Agency**

3.13 Provided that phase 2 of the Hungate development is carried out in accordance with the FRA Addendum dated July 2013, then the Environment Agency has no objections and has no further comments to make.

### **Yorkshire Water**

3.14 If permission is to be granted, Yorkshire Water recommend conditions requiring separate systems of drainage for foul and surface water on and off site and no piped discharge of surface water.

### **English Heritage**

3.15 English Heritage previously made comments in relation to 07/01901/REMM having been closely involved with the development of the proposals for the site and having offered advice during the process which secured the design code. In the response, English Heritage observed that as the revised proposals submitted at the time continued "the design theme as agreed with the design code, we are supportive of this application. Subject to the clarification of details such as materials and landscaping, we are comfortable with these proposals".

3.16 English Heritage note the variations to the approved scheme, specifically in relation to the elevations and internal layouts, but consider that the proposals do not depart markedly from the approved scheme and therefore re-iterate the comments quoted above.

3.17 The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

### **Guildhall Planning Panel**

3.18 The Planning Panel have previously opposed this development. Whilst no objections to this amendment are raised, there are concerns at parking provisions

and access and egress to the site. The Panel however are pleased with the appearance of the blocks and consider this an improvement over the previous.

## Publicity

3.19 The application was publicised by site notice, press notice and letters of neighbour notification. One letter of support has been received together with 4 letters of objection, three of which are from residents of Rowntrees Wharf and one from a local business.

The letters of objection raise the following points;

(i) Rowntrees Wharf is a landmark building and would be dominated by the proposed development with the distance between the two buildings so close as to form a canyon. The proposed building is slightly higher than Rowntrees Wharf and approval would lead to Rowntrees Wharf position as a landmark building being compromised as it would be hemmed in on two sides.

(ii) The elevation of Rowntrees Wharf that faces Hungate is to the north. Already low on light, homes that will overlook Phase 2 will be further deprived of light owing to the proximity of the new development. At the very minimum, Phase 2 should be sited the same distance from the river as Phase 1. Also as Rowntrees Wharf is single glazed, the noise intrusion will increase particularly from the balconies in the summer months.

(iii) The new buildings facing the river are not in line with the existing Phase 1 development.

(iv) The Council have a policy of keeping cars out of the centre of York and yet 78 new spaces would be created for the residents of the development.

(v) How is noise emanating from the building site potentially disrupting our work as solicitors, to be addressed?

(vi) What is to be done regarding an inadequate drain in the context of the planning permission?

(vii) The proposed scheme has changed from the original proposal and is higher and denser; it is now 2cm higher than Rowntrees Wharf and is closer to the bank of the River Foss than Phase 1.

(viii) The community engagement exercise was largely a PR/marketing exercise for existing residents of Phase 1 to buy a larger property in Phase 2. The architects could not give accurate measurements or information.

(vii) Inconsistent and illogical siting of Phase 2 in comparison with Phase 1. The flats in Phase 1 do not face directly onto existing residential dwellings but this building is set further back from the River Foss than the proposed scheme in Phase 2.

(viii) The design will give rise to wind tunnel issues already causing problems on the south side of Rowntrees Wharf since Grays Wharf was built.

(ix) There has been no consistent control or enforcement by CYC of breaches by the developers (noise, out of hours working) who have previously used the Hungate site to the inconvenience of residents of Rowntrees Wharf. Would like to see a clear, transparent and enforceable noise impact and management plan in place between CYC and the developer.

(x) Health impacts on north facing residents of Rowntrees Wharf from noise and nuisance. It will be far worse than the previous two times as the building work is directly opposite Rowntrees Wharf.

(xi) Can CYC and the developers provide written assurances that legal advice has been carried out with respects to Article 8 of the Human Rights Act 1998 and that relevant risk assessments have been carried out? Without such assurances and assessments, any decision will be subject to challenge under Article 8.

(xii) The absence of car park spaces for visitors to the development is noted. There are already existing concerns about Phase 1 residents and visitors parking at Rowntrees Wharf without permission causing problems for residents and visitors at Rowntrees Wharf.

(xiii) The habitat of birds and animals living along the banks of the River Foss and on the Hungate site needs to be considered. This includes swans, kingfishers and rabbits. Pollution from the site into the River has been in evidence during previous construction phases.

## **4.0 APPRAISAL**

### **4.1 KEY ISSUES**

- Implications on the comprehensive redevelopment of the Hungate site as agreed in the outline application
- Loss of commercial space
- Housing amount, size and type
- Affordable Housing / Viability Issues
- Design and external appearance
- Landscaping
- Highways, car and cycle parking
- Impact on the amenity of surrounding occupiers



- Sustainability

## **PLANNING POLICIES**

4.2 The application is to be considered in the context of the principles established in the development brief and relevant national and local plan policies.

4.3 The Hungate site is allocated for premier employment use (B1) and an estimated capacity of 600 new homes, 180 of which could be affordable, in the City of York Deposit Draft Local Plan. The preferred options document for the new Local Plan (policy EMP2) identifies the Hungate Action Area to deliver 12.062 sq m of office space. The relevant residential policy of the Local Plan Preferred Options is Policy H2 (Existing Housing Commitments). Policy H2 refers to the net remaining planning permissions either unimplemented or part complete amounting to 3,231 homes, within which Hungate is counted.

4.4 A development brief for the site, setting out the Council's requirements and aspirations for its development, was approved for consultation purposes in December 2004. The document was approved for the purposes of guiding planning applications for the development of the site in March 2005.

4.5 Although not planning policy, the details of this application have been derived from the Design Code submitted in January 2005 and the Design Statement (November 2004) associated with the original outline application (02/03741/OUT).

## **IMPLICATIONS ON THE COMPREHENSIVE REDEVELOPMENT OF THE HUNGATE SITE AS AGREED IN THE OUTLINE APPLICATION**

4.6 At outline stage it was proposed that block E would be of mixed use, providing 762m squared internal space for A1 and A3 uses and 10,557m squared dedicated to residential development (which would provide 163 units). The commercial element was at ground floor level, facing west towards the proposed focal building.

4.7 The extant reserved matters approval for Phase 2 (10/02534/REMM) involves five commercial units on the elevation facing the focal building (331m squared internal space for A1/A3 use) and 175 residential units (13,863 square metres).

4.8 This application seeks permission to reduce the commercial element further with one commercial unit retained on the north west corner of the building adjacent to the proposed St Johns Square ( 63 square metres and flexible use within uses classes A1, A2, A3, A4 or D1) and the number of residential units increased to 195 (11,886 square metres). This represents an additional 32 units above the figure of 163 approved at outline stage.

## **REDUCTION IN COMMERCIAL SPACE**

4.9 Phase 2 was chosen as one of the areas within the Hungate masterplan to be of mixed use due to its central location within the overall development. However, the applicants state that since the masterplan was originally drawn up, interest in commercial/retail units has been more limited with the sector as a whole suffering due to the economic downturn and the increase in on-line retail. As such, the applicants state that there would not be adequate interest to support the amount of commercial space previously proposed.

4.10 Although it is acknowledged that the loss of a significant proportion of the commercial space intended for Phase 2 will impact on vitality, the remaining unit would face onto St. John's Square, the largest and primary space within the development and a key node of pedestrian activity, and thus would reinforce its function. The primary residential entrance to Block E is along this frontage would also ensure a good level of economic activity.

## **HOUSING NUMBERS, SIZE AND TYPE**

4.11 Significant weight must be given to the need to supply housing in sustainable locations, considering policy established within the NPPF and as this is a national priority.

4.12 LPA's are required to have at least a deliverable 5-year housing land supply (with an extra 25% where supply has not been met in previous years). York has in recent years under-delivered on housing supply and does not currently have a 5-year housing supply.

4.13 The amount of residential units for the whole site was agreed at outline stage, 720 were proposed overall. 163 of which would be in block E. This proposal seeks permission for 195 units, 32 more than the outline approval. The number of units in Phase 1 also increased (by 51 between the outline and reserved matters approvals). Officers acknowledge that approval of this application would equate to an additional 83 residential units within Phases 1 and 2 to the numbers of units approved in the outline scheme.

4.14 Officers raise no objection to the proposed increase in the number of units in phase 2. There is a strong case for allowing housing development, which is demonstrably in need in the city and on this basis Officers raise no objection to the proposed increase in the number of units in phase 2. It is accepted that in a large, phased development such as Hungate, flexibility is desirable in order to incorporate up to date information on demand over the duration of the whole scheme.

4.15 It is noted however that the outline application was considered on the basis of 720 units, both in terms of its implications for housing supply and in order to calculate the Section 106 contributions for affordable housing, highways, education

and leisure provision. A resolution to approve the application would be subject to the planning obligation for the Hungate site being updated to ensure numbers across the site do not exceed 720 without due reconsideration of the key principles and recalculation of S106 requirements in accordance with site viability.

4.16 The additional 83 units within Phases 1 and 2, to the number of units approved in the outline scheme, also has implications for the triggers identified in the Section 106 for when contributions towards off site highway works, education and leisure provision are payable. Further discussions have taken place to agree appropriate trigger points for these payments to be included in the agreement and and Members will be updated with any notable issues in this respect.

### Housing Mix

4.17 Draft Local Plan Policy H3c states that a mix of new house types, sizes and tenures will be required on all residential development sites where appropriate to the location and nature of development.

4.18 In comparison with the extant reserved matters approval, this scheme proposes an additional 27 one bed units, a reduction of 5 two bed units and a reduction of 2 three bed units. Whilst Officers recognise that this would result in a significant proportion of one bed units ( 51.3%), it is also accepted that this scheme, which delivers affordable housing in a sustainable location, accords with a core principle of the National Planning Policy Framework, which is to proactively drive and support sustainable economic development to deliver the homes needed. In this case there is significant justification to welcome the scheme despite the lack of mix in the type of residential units proposed.

### **AFFORDABLE HOUSING / VIABILITY ISSUES**

4.19 The National Planning Policy Framework requires Local Planning Authorities to identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified. York's current policy is that on brownfield sites such as this the affordable housing requirement is 20% - for discounted sale and social rent.

4.20 The overall affordable housing requirement at Hungate is 20.38%, which is applicable to each phase. The approved reserved matters scheme involved the provision of 35 affordable units contained in one service core

4.21 Detailed discussions and analysis of site viability for this revised Phase 2 application began in September 2013, with reference to the original outline appraisal and Section 106 Agreement. Following CYC Regeneration in-house analysis of viability, with reference to the HCA guidance and toolkit on viability studies, a

recommendation to refer the study details to the Valuation Office Agency (VOA) was put to and agreed by the developer in October 2013. They would act as independent advisors to the Council.

4.22 The VOA report and statement was received in November 2013. It concluded that 20% affordable housing was achievable on this phase of development, together with other contributions as set out in the 2006 Section 106 Agreement for the whole scheme. The report stated that, in providing 20% affordable housing, a good developer profit would be maintained, in line with similar developments in the city and region.

4.23 Following an exchange of questions, points of clarification and further detailed work on projected costs and revenues the developer proposed a lower figure for affordable housing, which was rejected by Officers. Further analysis of the viability assessment established and agreed lower values for the affordable housing element of the scheme, in line with Phase 1, and proposed a figure of 18% affordable housing, which was supported by the VOA.

4.24 A counter proposal was put forward by the developer and rejected by Officers in early January 2014. A figure of 16% was finally agreed by both parties in January 2014 as an acceptable way forward. This represents 31 affordable homes from the total 195, and in fact is the same number as agreed in the previous scheme, albeit the total number of homes was lower at that time.

4.25 Officers are confident that this represents a very reasonable offer which acknowledges the relatively high costs of site development and other contributions towards archaeology, offsite highways and transport (including the new bridge over the Foss), education and leisure provision. If approved, the 16% affordable housing will relate only to Phase 2 of the site. The remainder of the site remains subject to the outline approval, which sets affordable housing at 20% of the scheme accommodation.

## **DESIGN AND EXTERNAL APPEARANCE**

4.26 The National Planning Policy Framework (NPPF) advises that good design is a key aspect of sustainable development and is indivisible from good planning.

Planning policies and decisions should aim to ensure that developments:

- Will function well and add to the overall quality of the area
- Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit
- Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- Are visually attractive as a result of good architecture and appropriate landscaping

4.27 The Hungate Development Brief states that the site should be a place with a unique identity, which respects the strong character of surrounding areas and buildings, particularly the built and natural environment and the landscape and ecology of the River Foss. Variations in height, roof modelling, elevational treatment and a selection of materials should be used. There should be a variety of heights adjacent the River Foss to provide varied form and roofscapes, and the canalisation of the river should be avoided.

4.28 The design statement advised that block E would be made up of a landmark corner facing St John's Square, the west elevation (facing the focal building) would be of a scale and style that created a sense of enclosure and grandeur appropriate to public open space. The north and east elevations would reflect the traditional vertical emphasis of York streets and use a variety of materials and roof shapes/heights. The Listed Buildings and Conservation Areas Act 1990 requires planning authorities determining applications for development that affect the setting of listed buildings to have special regard to the desirability of preserving their setting. The Foss facing elevation, adjacent to Rowntree Wharf would have a warehouse aesthetic, of similar scale and (repetitive) appearance to the listed building. The building would vary in height, at its lowest, a small two-storey area parallel with the focal building, at its highest 6-storey facing the river.

4.29 The proposed amendments to the elevations are considered to remain true to the development brief and outline permission. The riverside elevation is considered to be an improvement on the extant approval with greater control of the fenestration and a simpler cleaner appearance and ensuring a more coherent elevation. With reference to the height of the 6 storey element of the building fronting the riverside, the extant reserved matters approval permitted the building height to exceed a restriction, defined at outline stage, by 1 metre on 2 corner sections of the 6 storey element. This scheme proposes no such exceedance of the height restriction.

4.30 The changes to the other elevations are also considered to be successful in differentiating between the riverside and street / square elevations, and respecting and preserving the setting of the listed building. The introduction of flat roof elements has been carefully considered to allow for some roof terrace space to the top floor flats, the introduction of some green roofs and solar PV panels to the north block.

4.31 The scheme proposes an increase in the height of the curved corner facing onto St. Johns Square (North West corner) from 5 to 6 storeys. This increase is partly justified by it matching the height of the adjacent corner block. The importance of the curved corner is emphasised by the "squaring off" of the north east corner of the building and it is considered that the treatment of the elevation provides an opportunity for the block to have a clearer identity in the composition of the square. In order to maximise the contribution this curved corner elevation makes to the creation of a defined sense of place for St. Johns Square, a condition

requiring large scale details illustrating the glazing pattern and balcony arrangements and balustrade is recommended.

4.32 In terms of amenity issues, the 6 storey height in this location would not be considered to have a detrimental impact on the courtyard amenity of this block because it is to the north side and the additional shading to St. John's Square should not be significant.

4.33 In summary the scheme is appropriate in design terms; it complies with the parameters for good design, established in the NPPF and Local Plan policies GP1 and HE2. There would potentially be an enhancement to the historic setting if the proposed landscaping works are fully implemented.

## **LANDSCAPING**

4.34 The courtyard within the Phase 2 building is approximately 1170m<sup>2</sup> and given that there is a lack of private gardens and open space elsewhere within the Hungate development, it is considered essential that the courtyard provides an immediate, appealing, useable outdoor "garden" space for all potential residents, including children. The two key functions the courtyard should therefore fulfil are for it to be an attractive space to look across and for the space to provide a communal garden area that can be used for sitting and general play.

4.35 The approach taken within this scheme as compared with the extant approval is to give more generous private areas to the ground floor apartments, which Officers consider to be a reasonable approach. A simple design for the central communal space is proposed and whilst the detail would be provided via a condition, it is envisaged that the plant selection would be bold and would offer interest throughout the seasons. In accordance with Officers advice, the applicants have confirmed that this space would include seating and features of some subtle interest to young children.

4.36 The remodelling of the mass at roof level to provide flat roofed areas with green roof and solar PV panels are welcomed. The green roofs should maximise bio-diversity value by means of drought/wind tolerant 'wild' flowers, which is also visually very attractive in the summer months, with minimum maintenance. The solar panels would create drier, darker, but more sheltered conditions involving a different species mix to be more like a 'brown' roof. Both would provide a good habitat for invertebrates.

## **ARCHAEOLOGY**

4.37 The site is within the city centre area of archaeological importance as such policy HE10 of the Local Plan is relevant. The policy seeks to assess and preserve (at least 95% of) important archaeological remains. All archaeological matters

relating to development in the Hungate Phase 2 area were dealt with through the approval of the outline application.

4.38 This application seeks permission to extend the basement and although this would introduce marginally greater disturbance to sub-surface deposits, the existing archaeological actions and conditions are sufficient to take into account any mitigation measures required.

## **SUSTAINABLE DESIGN AND CONSTRUCTION**

4.39 Proposed developments are expected to meet the requirements of the Council's planning guidance Interim Planning Statement (IPS) on Sustainable Design and Construction. There are specific requirements to achieve code for sustainable homes level 3 and the preferred options draft of the Local Plan, seeks level 4. The IPS also requires that the development can generate at least 10% of its energy demands from on site renewables or low or zero carbon technology.

4.40 These targets are not met in this scheme and although this is a full rather than a reserved matters application (due to the time for submitting the reserved matters having expired for Phase 2), the proposals relating to sustainability satisfy the requirements of the S106 legal agreement associated with the outline approval to which this approval would be linked. The requirements of the S106 involve the submission of a site specific sustainability and energy efficiency statement, the elements of which are as follows;

- 100% of properties to meet BREEAM at "very good" standard and 15% of properties to meet BREEAM at "excellent" standard,
- demonstrate a reduction in carbon emissions in the construction and use of buildings and through the choice of materials as compared to a normal build of this type,
- the inclusion of a waste minimisation recycling and disposal plan for the construction and in its end use,
- the inclusion of a pollution minimisation plan for the construction and in its end use,
- demonstrate the inclusion of microgeneration for 10% of the properties.

4.41 The proposed scheme would manage to achieve a Code for Sustainable Homes Level 3 with 15% of the proposed apartments being provided with low or zero carbon technologies and the proposed roof mounted solar photovoltaic array would meet 27.9% of the communal areas annual energy demand. Although it is acknowledged that the scheme fails to meet the 10% renewable energy contribution as required by the IPS, in the context of the sustainability requirements for Phase 1 and subsequent phases being linked to the outline approval rather than the IPS and the consideration that this scheme, which includes PV panels and green roofs, being an improvement on the extant reserved matters approval, Officers consider that the development is acceptable in terms of sustainable design and construction.

## **HIGHWAYS, CAR AND CYCLE PARKING**

4.42 The National Planning Policy Framework advises that developments should;

- Provide safe and suitable access to the site for all people and minimise conflicts between traffic and cyclists or pedestrians.
- Maximise sustainable transport modes and minimise the need to travel.
- Incorporate facilities for charging plug-in and other ultra-low emission vehicles.

4.43 The car parking for the building is provided as per the extant permission (10/2534/REMM) and outline masterplan for the Hungate site. 78 No. car spaces are proposed (of which 4 are accessible); this represents an increase of 27 spaces over the aforementioned consents. The additional levels of traffic which would be generated by the increase in spaces are negligible and would not be considered to have a material impact in the day to day operation of the adjacent highway network. Access to the Phase 2 undercroft car park is from Black Horse Lane via an underground link tunnel and the Phase 1 undercroft car parking.

4.44 The level of cycle parking being provided (146 spaces) is to the same ratio as has been considered and approved through the Hungate masterplan. The cycle parking has been grouped in stores around each core which it is intended to serve. 6No. external visitor cycle spaces are proposed, located externally by the commercial unit.

4.45 Sustainable travel initiatives such as the provision of bus passes to first occupiers has been secured through the original S106 for the Hungate site which would to be revised to also relate to this application). With respects to air quality, the Environmental Protection Unit have requested that 4 of the proposed 78 car parking bays are fitted with electric vehicle charging points, which would be secured via a condition.

## **IMPACT ON THE AMENITY OF SURROUNDING OCCUPIERS**

4.46 The National Planning Policy Framework asks that developments always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Local Plan policy GP1: Design requires that development proposals ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures.

4.47 Concerns have been expressed by some residents of Rowntrees Wharf with respects to the height and proximity of the proposed building to Rowntrees Wharf. Rowntrees Wharf is to the south of the site, such that the elevation from which any light would be lost is north facing and for much of the day is in shadow. The Phase 2 building is directly opposite Rowntrees Wharf in part, for approximately 30m of its length, is 6 storeys in height and would at its closest be 26m from the face of the Rowntrees Wharf building. This distance increases to approximately 28m either side of this near point. Given the proposed height of the building, the orientation



and the distance between the structures, as well as the inner urban area location, the Committee report for the outline proposal noted that "it would be difficult to sustain an argument that there would be a significant and unacceptable loss of light to the habitable rooms within the Rowntrees Wharf residential properties. Similarly, given the distances involved, it is considered that the proposals would not result in a significant loss of privacy for the existing residents".

4.48 The proposed building accords with the details approved at outline stage, in fact, as detailed in paragraph 4.28, the extant reserved matters approval permitted the building height of Block E to exceed a height restriction, defined at outline stage, by 1 metre on 2 corner sections of the 6 storey element of the building fronting the riverside. This scheme proposes no such exceedance of the height restriction. It is therefore not considered that an argument that the proposed scheme would give rise to a significant loss of privacy and light, could be sustained.

4.49 Conditions are proposed to reasonably control activity which can cause noise. Hours of demolition and construction during the development of the site will be restricted and a construction environmental management plan (CEMP) would be required.

5.50 In carrying out the above assessment, Officers have considered the effects of the development bearing in mind the provisions of the Human Rights Act 1998 including Article 8 as referred to by third parties, in terms of any interference with rights to private and family life through for example privacy concern. It is concluded that the planning considerations and impact of the development have been properly balanced against the Act and that there is no basis to refuse planning permission due to loss of light, privacy noise or dominance issues.

## **RESIDENTIAL AMENITY OF OCCUPANTS OF THE PROPOSED DWELLINGS**

4.50 The proposed building heights and separation distances would be consistent with what has been approved at phase 1 and what is envisaged between buildings on the remaining phases; typically 5 or 6 storey buildings around 10 to 15 metres apart. Considering the context, there are no objections on amenity grounds in this respect. Conditions are proposed to reasonably control activity which can cause noise and to mitigate the impact of the commercial unit on nearby residential units. The conditions would cover hours of operation and hours of delivery for the commercial unit, a scheme of noise insulation for the residential units adjoining the commercial unit, details of plant and machinery, the building envelope and extraction equipment.

## 5.0 CONCLUSION

5.1 The key considerations of this application are whether the proposed revisions to the reserved matters approval are acceptable in the context of the principles established in the Hungate Development Brief, Design Code and Design Statement associated with the outline approval and with relevant national and local plan policies.

5.2 The Hungate scheme is a mixed use development and whilst it is acknowledged that this revised Phase 2 proposal involves the loss of a significant proportion of the commercial space, which will impact on vitality, the applicant's argument that there would not be adequate interest to support the amount of commercial space previously proposed, is accepted. The remaining commercial unit would face onto St. John's Square, the largest and primary space within the development and thus would reinforce its function.

5.3 With reference to the proposed increase in the number of units in Phase 2, Officers raise no objection as it is acknowledged that in a large, phased development such as Hungate, flexibility is desirable in order to incorporate up-to-date information on demand over the duration of the whole scheme. However the outline application was considered on the basis of 720 units, both in terms of its implications for housing supply and in order to calculate the Section 106 contributions for affordable housing, highways, education and leisure provision. A resolution to approve the application would be subject to the planning obligation for the Hungate site being updated to ensure numbers across the site do not exceed 720 without due reconsideration of the key principles and recalculation of S106 requirements in accordance with site viability. The triggers identified in the Section 106 for when contributions towards off site highway works, education and leisure provision are payable would also be revised to reflect viability and the change in number of units in phase 2

5.4 The affordable housing for Phase 2 has been agreed by Officers at a level of 16%, which represents 31 affordable homes, the same number as agreed in the extant reserved matters approval, albeit the total number of homes was lower at that time. Officers consider this to be a reasonable offer which acknowledges the relatively high costs of site development and other contributions.

5.5 With respects to revisions to the elevations, Officers consider that the plans remain true to the development brief and outline permission. The riverside elevation is considered to be an improvement on the extant approval with greater control of the fenestration and a simpler cleaner appearance. The changes to the other elevations are also considered to be successful in differentiating between the riverside and street / square elevations and the introduction of flat roof elements to allow for some roof terrace space to the top floor flats and some green roofs and solar PV panels is welcomed. The proposal to increase the height of the curved

corner facing onto St.Johns Square from 5 to 6 storeys is partly justified by it matching the height of the adjacent corner block and it provides an opportunity for the block to have a clearer identity in the composition of the square.

5.6 Subject to conditions, as set out below, and to the variation of the S 106 Agreement to refer to this application and in respect of affordable housing and off site contributions as described above, it is recommended that the application be approved.

## **6.0 RECOMMENDATION:**

Subject to completion of a revised Section 106 Obligation to secure the following :-

- (i) Minimum 16% affordable housing in this phase
- (ii) Revised trigger points for highway related, CCTV, education and open space payments

the Director of City and Environment Services by authorised to GRANT planning permission, subject to the conditions set out below, and any other appropriate conditions :-

1 TIME2 Development start within three years -

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

Flood Risk Addendum (July 2013)  
Sustainability Statement (Sept 2013)  
Design and Access Statement - Phase 2 Full Application - August 2013 (5 December 2013)

Plans received 4 September 2013;

AO701 Rev B (Red Line Boundary Plan)  
AO750 Rev C (Proposed Site Plan)  
AO760 Rev B (Landscape Proposals)  
A1152 Rev D (Internal Elevations 01)  
A1153 Rev D (Internal Elevations 02)  
A1175 Rev B (Site Section - SW)  
A1176 Rev B (Site Section - SE)

Plans received 5 December 2013;

A1009 Rev E (Basement GA Plan)  
A1010 Rev D (Ground Floor GA Plan)  
A1011 Rev D (First Floor GA Plan)  
A1012 Rev E (Second Floor GA Plan)  
A1013 Rev E (Third Floor GA Plan)  
A1014 Rev E (Fourth Floor GA Plan)  
A1015 Rev E (Fifth Floor GA Plan)  
A1016 Rev E (Roof GA Plan)  
A1150 Rev E (Elevations 01)  
A1151 Rev E (Elevations 02)

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 installation of the items and the works shall be carried out in accordance with the approved details.

- a/- Roof panels
- b/- Typical eaves, verge and parapet details
- c/- Soffit overhang
- d/- All types of windows and window systems (1:20 + larger scale details, door openings showing reveals, lintels and cills) including the windows to the mansard roof (showing the relationship with the gutter / parapet and the window heads)
- e/- Glazing
- f/- Terrace and balconies including soffits and doors onto balconies
- g/- Main entrance doors, door surrounds and canopies
- h/- Letterboxes
- i/- Shafts into basement car park
- j/- Vents for car park
- k/- Vents to the mechanical ventilation system (positions and type)

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

4 Notwithstanding the submitted plans, large scale details of the North West curved corner elevation showing the opening detail, the glazing pattern, the balcony construction and balustrade details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

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

5 VISQ8 Samples of exterior materials to be app -

6 A sample panel of the brickwork and stonework to be used on this development shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork / stonework and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. 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.

7 Prior to first occupation of the commercial unit, a detailed scheme for the design of the shopfront (1:20 elevations and sections) and the proposed means of advertising each premises, including illumination, shall be submitted to and agreed by the Local Planning Authority. The commercial premises shall be developed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To achieve a consistent acceptable appearance.

8 Prior to development commencing detailed floor plans, elevations and section drawings of the river walkway including the railings and pedestrian routes, shall be submitted to and agreed in writing by the Local Planning Authority and the development implemented in accordance with the approved details.

Reason: In the interests of design.

9 Prior to occupation of the development, a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs shall be approved in writing by the Local Planning Authority. This scheme shall be implemented within a period of 6 months of the completion of the relevant phase of development. Any trees or plants which within a period of 5 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 Full details of the hard landscape proposals for the internal courtyard shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the occupation

of any part of the development. The proposals shall show levels, paving materials, external lighting and any other fixed artefacts such as seating.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of the development in the interests of visual amenity.

11 A scheme of works for the restoration of the Foss Riverbank/wall, excluding the Kings Pool site, shall be submitted and agreed with the Local Planning Authority prior to the commencement of the relevant phase of development ,and shall thereafter be implemented fully in accordance with the agreed scheme.

Reason: In the interests of the visual amenities of locality, flood defence and ecology along the Foss corridor.

12 The hours of operation for the commercial unit shall be approved in writing by the local planning authority. Once approved, the agreed hours shall be complied with at all times, unless agreed otherwise in writing by the local planning authority.

Reason: To protect the amenity of local residents.

13 The hours of delivery to and dispatch from the commercial unit, to include Use Classes A1, A2, A3 or A4) shall be confined to the following times, unless otherwise approved in writing by the local planning authority:

Monday - Friday 08:00 - 18:00  
Saturday, Sunday & Bank Holidays 09:00 - 18:00

Reason: To protect the amenity of local residents.

14 Premises put to Class A1, A3, A4 or A5 use, that adjoin residential premises, shall be noise insulated in accordance with a scheme to be approved in writing by the local planning authority. The noise insulation scheme shall be fully implemented prior to occupation. No alterations to the external walls, facades, windows, doors, roof or any openings in the building(s) shall be undertaken (including the closing up or removal of openings) without the prior written approval of the local planning authority.

Reason: To protect the amenity of local residents.

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

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

Reason: To protect the amenity of the locality

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

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

17 Details of all fixed machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible at any noise sensitive location, 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.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed 5dB(A) below the background noise level at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 1997, this being the design criteria adopted by EPU, including any acoustic correction for noises which contain a distinguishable, discrete, continuous note (whine, hiss, screech, hum, etc.); noise which contain distinct impulses (bangs, clicks, clatters, or thumps); or noise which is irregular enough to attract attention.

Reason: To protect the amenity of the locality.

18 The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels of 30 dB  $L_{Aeq}$  1 hour and 45 dB LA Max (23:00 - 07:00) in bedrooms and 35 dB  $L_{Aeq}$  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 development hereby approved is occupied.

Reason: To protect the amenity of residents.

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

Note: It is recommended that the applicant refers to the Defra Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (January 2005) for further advice on how to comply with this condition.

Reason: To protect the amenity of the locality.

## 20 Verification of Remedial Works

Prior to first occupation or use, the approved remediation scheme (as detailed in the Remediation Strategy, Ref: EN6250/R/7.1.4/RA) must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

## 21 Reporting of Unexpected Contamination

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.



22 At least four electric vehicle recharge points shall be installed within the basement parking area prior to first occupation of the development. The location and specification for the recharging points shall be agreed with the Local Planning Authority prior to installation.

Reason: To promote the use of low emission vehicles on the site in accordance with the Council's draft Low Emission Strategy and paragraph 35 of the National Planning Policy Framework.

Note: It is requested that the electrical installation for the recharge points is such that the addition of extra points would not require extensive further groundwork should there be demand for further points in future years (i.e. sufficient electrical cabling is provided from the outset).

23 HWAY1 Details roads, footpaths, open spaces req. -

24 No dwelling in the development to which this planning permission relates shall be occupied unless or until the carriageway basecourse and kerb foundation to the highways and footpath to which it fronts, is adjacent to or gains access from, has been constructed. Road and footway wearing courses and street lighting shall be provided within three months of the date of commencement on the construction of the penultimate dwelling of the development.

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

25 Prior to their installation, 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.

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

Reason: In the interests of highway safety.

27 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.

- provision of enhanced pedestrian and cycle facilities in the vicinity of the St. Saviours Place/Dundas Street/Peasholme Green junction consisting of Zebra crossing and pedestrian refuges on Peasholme Green at junction with St.Saviours Place).

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

28 Prior to the commencement of the development, a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority. . The statement shall include at least the following information;

- measures to prevent the egress of mud and other detritus onto the adjacent public highway
- a dilapidation survey jointly undertaken with the local highway authority
- the routing for construction traffic that will be promoted
- a scheme for signing the promoted construction traffic routing
- details of the areas which will be used for the storage of materials, site compound, and the parking and turning of construction traffic clear of the public highway.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

29 Prior to the commencement of the development, details of the foul and surface water drainage works shall be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and reasonably managed and maintained for the lifetime of the development. The site shall be developed with separate systems of drainage for foul and surface water on and off site. Drainage details are expected to include-

a) Peak surface water run-off from the proposed development restricted to a maximum of 14.0 lit/sec.

b) Site specific details of the flow control device manhole limiting the surface water to the 14.0 lit/sec.

c) Storage volume calculations, using computer modelling, to accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model shall include an additional 20% allowance for climate change. The modelling shall use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. The full range of modelling is required.

d) Site specific details of the storage facility to accommodate the 1:30 year storm and details of how and where the volume above the 1:30 year storm and up to the 1:100 year storm will be stored.

e) Any variation in levels in comparison to those shown within the approved master-plan document.

Reason: To reduce flood risk in accordance with York's Strategic Flood Risk Assessment.

30 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.

31 Prior to being discharged into any watercourse, surface water, sewer or soakaway system, all surface water drainage from parking areas and the 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.

32 Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 6m (six) of the line of the sewers at greater depths, or within 3m (three) of the line of the sewers at shallower depths which cross the site.

Reason: To prevent pollution of the water environment.

33 No piping shall be installed within 10m of any public sewer unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent pollution of the water environment.

34 Development shall not commence unless the method for piling foundations has been 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.

35 Prior to the commencement of the development, the developer shall submit for the written approval of the Local Planning Authority an initial Code for Sustainable Homes (CSH) Design Stage assessment for the development. Unless otherwise agreed in writing with the Local Planning Authority, this shall indicate that at least the minimum code level 3-star rating will be achieved. This shall be followed by the submission of a CSH Post Construction Stage assessment, and a CSH Final Certificate (issued at post construction stage). These documents shall be submitted to the Local Planning Authority after completion and before first occupation of the building. Both documents submitted shall confirm that the code rating agreed in the initial CSH Design Stage assessment has been achieved.

Reason: To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction

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

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome: pre-application advice provided, negotiation during the processing of the application to agree amendments to curved corner elevation and the use of planning conditions.

## 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:

Section 38 - Adoptable areas within the site - Michael Kitchen (01904) 551336  
Section 278 -Off site highway works.

The provision of the off-site highway works may be satisfied through the payment of a contribution in lieu of physical works.

## 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. LEGAL AGREEMENT

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

### **Contact details:**

**Author:** Rachel Tyas Development Management Officer (Tues - Fri)

**Tel No:** 01904 551610

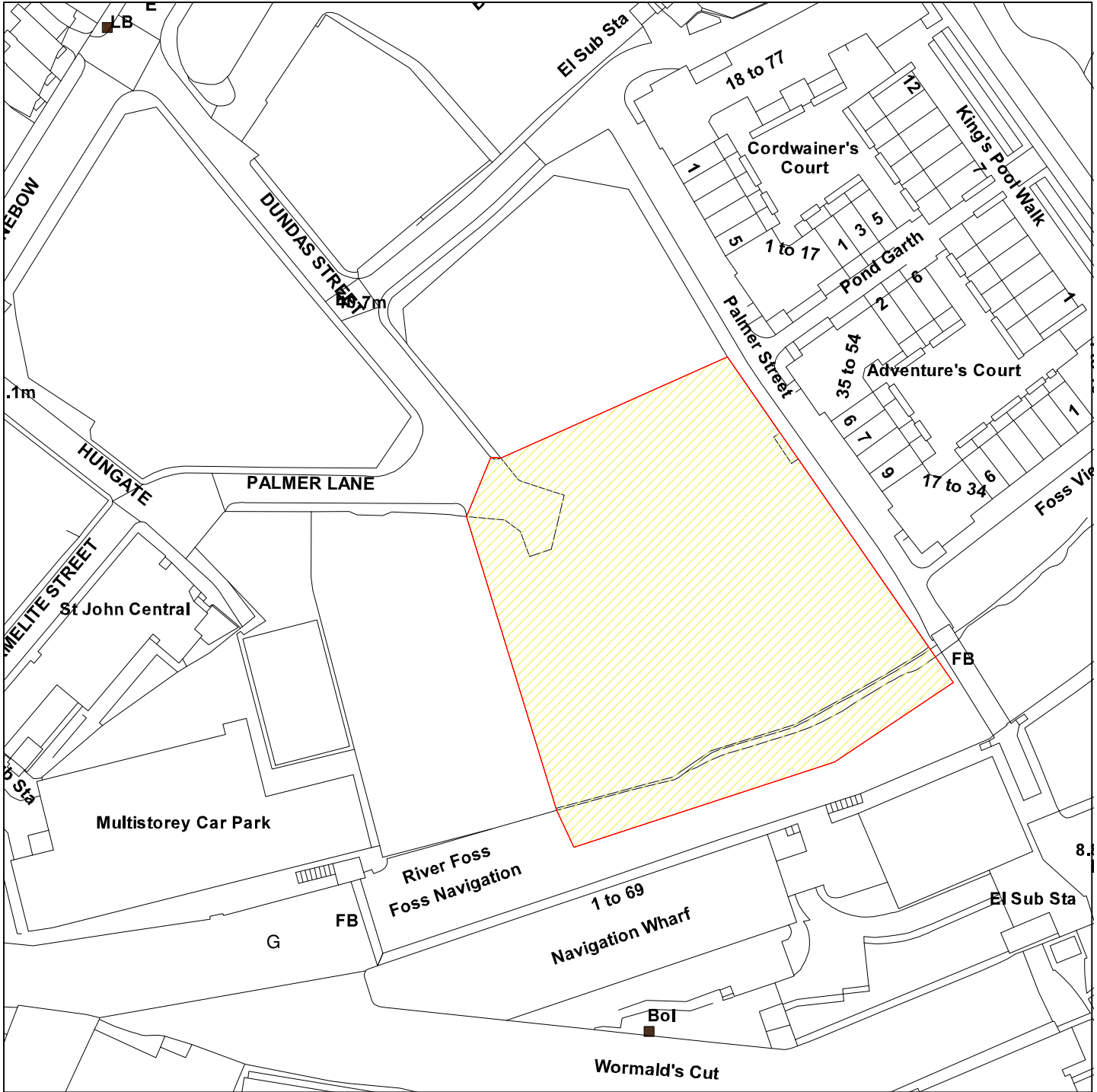
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# 13/03015/FULM

## Hungate Development Site



GIS by ESRI (UK)



Scale : 1:1250

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	11 February 2014
<b>SLA Number</b>	Not Set

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## Planning Committee

20 February 2014

### Appeals Performance and Decision Summaries

#### Summary

- 1 This report (presented to both Planning Committee and the Sub Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1 October to 31 December 2013, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals to date of writing is also included.

#### Background

- 2 Appeal statistics are collated by the Planning Inspectorate on a quarterly basis. Whilst the percentage of appeals allowed against the Council's decision is no longer a National Performance Indicator, it has in the past been used to abate the amount of Housing and Planning Delivery Grant (HPDG) received by an Authority performing badly against the average appeals performance. For a number of recent years, until the publication of the National Planning Policy Framework in March 2012, appeals performance in York was close to (and usually better than) the national average. The Government announced last year that it will use appeals performance in identifying poor performing planning authorities, with a view to the introduction of special measures and direct intervention in planning matters within the worst performing authorities. This is now in place for Planning Authorities where more than 70% of appeals against refusal of permission for major applications are allowed.
- 3 The table below includes all types of appeals such as those against refusal of planning permission, against conditions of approval, enforcement notices, listed building applications and lawful development certificates. Figure 1 shows performance on appeals decided by the Inspectorate, for the last quarter i.e 1 October to 31 December 2013, and for the full year to 31 December.

**Fig 1: CYC Planning Appeals Performance**

	<b>01/10/13 to 31/12/13 (Last Quarter)</b>	<b>01/01/13 to 31/12/13 ( Last 12 months)</b>
Allowed	2	12
Part Allowed	1	2
Dismissed	8	27
Total Decided	11	41
<b>% Allowed</b>	<b>18%</b>	<b>29%</b>
% Part Allowed	9%	5%
Withdrawn	0	2

### Analysis

- 4 The table shows that between 1 October and 31 December 2013, a total of 11 appeals relating to CYC decisions were determined by the Inspectorate. Of those, only 2 were allowed, at 18%, the rate of appeals allowed is significantly lower than the national annual average of around 33%. By comparison, for the same period last year, 4 out of 13 appeals were allowed, i.e.30.7%.
- 5 For the full year between 1 January and 31 December 2013, 29% of appeals decided were allowed, lower than the previously reported 12 month period of 38.5%.
- 6 The summaries of appeals determined between 1 October and 31 December are included at Annex A. Details as to whether the application was dealt with under delegated powers or Committee (and in those cases, the original officer recommendation) are included with each summary. In the period covered, none of the appeals determined related to applications refused by Committee.
- 7 The list of current appeals is attached at Annex B. There are 13 planning appeals (i.e. excluding tree preservation order appeals) lodged with the Planning Inspectorate, 12 are proposed to be dealt with by the Written Representation process (W), 0 by the householder procedure (H), and 1 by Public Inquiry (P).
- 8 The quarter performance at 18% allowed reflects the relatively small number of cases decided, with 3 appeals allowed. The current 12 month performance at 29% allowed is a significant improvement on the previously reported 12 month figure, and is a continuation of the trend back towards the national 'benchmark' figure of 33% allowed. The initial impact of the publication of the NPPF (March 2012) on appeal outcomes (which saw many cases allowed) appears to have receded, with CYC performance continuing to improve as the use and interpretation of policy

and guidance within the NPPF (by both the Council and the Planning Inspectorate) has become more consistent.

9 The main measures successfully employed to regain the previous performance levels have been as follows:-

i) Officers have continued to impose high standards of design and visual treatment in the assessment of applications provided it is consistent with Paragraph 56 of the NPPF Draft Local Plan Policy.

ii) Where significant planning issues are identified early with applications, revisions are sought to ensure that they can be recommended for approval, even where some applications then take more than the 8 weeks target timescale to determine. This approach has improved customer satisfaction and speeded up the development process overall, and, CYC planning application performance still remains above the national performance indicators for Major, Minor and Other application categories.

iii). Additional scrutiny is being afforded to appeal evidence to ensure arguments are well documented, researched and argued.

### **Consultation**

10 This is essentially an information report for Members and therefore no consultation has taken place regarding its content.

### **Council Plan**

13 The report is most relevant to the “Building Stronger Communities” and “Protecting the Environment” strands of the Council Plan.

### **Implications**

14 Financial – There are no financial implications directly arising from the report.

15 Human Resources – There are no Human Resources implications directly involved within this report and the recommendations within it other than the need to allocate officer time towards the provision of the information.

16 Legal – There are no known legal implications associated with this report or the recommendations within it.

17 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

### **Risk Management**

- 18 In compliance with the Council's risk management strategy, there are no known risks associated with the recommendations of this report.

### **Recommendation**

- 19 That Members note the content of this report.

### **Reason**

- 20 To inform Members of the current position in relation to planning appeals against the Council's decisions as determined by the Planning Inspectorate.

### **Contact Details**

#### **Author:**

Gareth Arnold  
Development Manager,  
Directorate of City and  
Environmental Services

01904 551320

#### **Chief Officer Responsible for the report:**

Mike Slater  
Assistant Director Planning &  
Sustainability, Directorate of City and  
Environmental Services

**Report  
Approved**



**Date** 28 January  
2014

**Specialist Implications Officer(s)** None.

**Wards Affected:**

All  Y

**For further information please contact the author of the report.**

### **Annexes**

**Annex A – Summaries of Appeals Determined between 1 October 2013 and 31 December 2013**

**Annex B – Outstanding Appeals at 29 January 2014**

**Appeal Summaries for Cases Determined 01/10/2013 to 31/12/2013**

**Application No:** 12/03142/FUL  
**Appeal by:** Mr Christian Poole  
**Proposal:** Dormer bungalow to rear  
**Address:** 40 Fordlands Road York YO19 4QG

**Decision Level:** DEL  
**Outcome:** DISMIS

Planning permission was refused for the erection of a dwelling in a back land location at Fordlands Road Fulford. Fordlands Road is a settlement ( part of Fulford parish) washed over by green belt with a defined boundary wherein infill development can be acceptable. There has been a previous refusal and appeal dismissal on the site for the erection of a house. Fordlands Road is proposed to be taken out of the green belt in the New Local Plan. The Inspector considered the site still to be in green belt, considered the development to be backland development not infill, which he considered to be inappropriate development. No very special circumstances existed to outweigh inappropriateness. Taking in to account the comments of the previous Inspector he considered that the relationship of the proposed house to the existing semi detached property to be acceptable.

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**Application No:** 12/03197/FUL  
**Appeal by:** Mrs Patricia Marshall  
**Proposal:** Change of use from residential dwelling (use class C3) to House in Multiple Occupation (sui generis) (retrospective)  
**Address:** 12 School Lane Heslington York YO10 5EE

**Decision Level:** DEL

**Outcome:** DISMIS

The appeal related to the refusal of a retrospective application to change the property from a dwelling to a large house in multiple occupation HMO. It is understood that the property has been occupied by 8 individuals for around 5 years. Consent has subsequently been granted for a change of use to small HMO 6 people. The retrospective application for a large HMO was refused for the following reasons: it is considered that the use of what was originally a three bedroom semi-detached dwelling house as a large House in Multiple Occupation for 8 tenants would create a level of noise and activity within and around the property that would be out of character with the surrounding quiet residential area. It is considered that the negative impact on the living conditions of neighbours from the intense nature of the use particular 13 School Lane, would go beyond what would reasonably be expected in a quiet edge of village location. The Inspector dismissed the appeal on the grounds that in the context of a quiet residential area two additional occupants would have the potential to harm neighbours living conditions. He made the interesting observation that, though a house could occasionally contain 8 family members, the noise from comings and goings of a family unit would typically be less than that from 8 unrelated peoples uncoordinated movements.

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**Application No:** 12/03604/FUL  
**Appeal by:** Mr Adam Manley  
**Proposal:** Two storey side and rear and single storey side extension in connection with change of use from house in multiple occupation (six bedrooms - Use Class C4) to large house in multiple occupation (eight bedrooms - sui generis) (resubmission)  
**Address:** 1 Burniston Grove York YO10 3RP

**Decision Level:** DEL  
**Outcome:** DISMIS

The appeal related to the refusal of planning permission for the erection of a two-storey side extension and single storey mono - pitched rear extension to create an integral garage, extended kitchen and dining area with bedrooms at the first floor for to create additional bedrooms for an existing small HMO. The application was refused on the basis that the extension, including alterations to the garden areas by reason of the restricted size of the plot at the rear, would constitute an overdevelopment of the site resulting in an unacceptable reduction in private amenity space for future occupiers of the dwelling. In addition the application was also refused on the grounds that the size, scale and proximity to the boundary, would appear unduly oppressive and overbearing when viewed from the rear of 186 Tang Hall Lane, and would result in unacceptable overlooking and loss of privacy. The Inspector dismissed the appeal concluding that the extension would appear ungainly addition with a number of visually jarring roof forms. In addition the Inspector agreed that the extensions would materially harm the living conditions of the occupiers of 186 Tang Hall Lane in terms of outlook, in conflict with Policies GP1(i) and H7(d) of the DDCLP. The Inspector did not fully agree with the Councils decision relating the outside amenity space and concluded that the combined areas to the front and rear of the dwelling would be accessible, reasonably private and of an adequate size to serve the needs of the occupiers.

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**Application No:** 12/03809/FUL  
**Appeal by:** Mr Dritan Skenderaj  
**Proposal:** Change of use of part of the car park as a members only hand car wash and valeting business and siting of office/storage unit within a timber screen  
**Address:** Roko Health Club And Playfootball Stirling Road York YO30 4TU  
**Decision Level:** DEL  
**Outcome:** DISMIS

The application was to use part of a health club car park as a car wash and valeting business, including erection of a mobile office/storage building, timber screening and signage. Planning permission was refused due to impact on the green belt. The appeal was dismissed. The inspector considered that the main issues were (1) Whether the proposal would be inappropriate development in the green belt, (2) The effect of the proposal on the openness of the green belt, and on the character and appearance of the area, (3) Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development. He found that (1) The proposal would be inappropriate, on the basis that it does not fall within the types of development listed in paragraphs 89 and 90 of the NPPF. (2) The use as a car wash, the office/storage building, screening and signage would reduce the openness of the area, and be harmful to the character and appearance of the site and the green belt due to their visual prominence and their siting in isolation from other buildings. (3) The location of the site (on a commercial car park), the industrial/retail character of the area, the use of natural materials, the proposed screening and approval of a similar business on a (non-green belt) car park nearby did not justify the proposal. Consequently, the proposal would conflict with national Green Belt Policy, as contained within the National Planning Policy Framework. The applicant had argued that the proposal would not be inappropriate because it would comply with paragraph 89 of the NPPF which allows the partial redevelopment of a previously developed site where the proposal does not have a greater impact on the openness of the green belt than the existing development. The inspector was not persuaded.

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**Application No:** 13/00548/FUL  
**Appeal by:** Mr & Mrs Mark Shillito  
**Proposal:** Single storey side extension  
**Address:** Rockstone Dauby Lane Kexby York YO41 5LH

**Decision Level:** DEL

**Outcome:** DISMIS

The attached appeal related to an extension with rooms in the roof space to a detached dormer bungalow located in the Green Belt near Kexby, outside the settlement limit. The application was refused for the following reasons: The proposed extensions if approved will increase the footprint of the property by approximately 66% of its original floor area. In addition to the proposed extension to the property, a two-storey redevelopment of a car port and garage was approved in 2001. This has been constructed and is located approximately 1m from the proposed extension and is a significant development in its own right. It is considered that the application as submitted when taking account of the history of the site would harm the openness of the Green Belt and would result in a disproportionate increase to the size of the original building. As such the proposal conflicts with advice contained in Chapter 9 (Protecting Green Belt Land) of the NPPF and the content of Policy GB4 (and related supporting text) of the City of York Draft Local Plan (fourth set of changes) approved April 2005. The appellant argued that the real increase in footprint was nearer 46% and that because the extensions would not be prominent and permitted development rights were intact the proposal should have been approved. She argued that there should be little or no weight given to Yorks Local Plan and because there no definition of disproportionate in the new NPPF the proposal was acceptable. The Inspector dismissed the appeal. He said that even a 46% increase was inappropriate. He considered that the permitted development fall back position would not have such a significant impact on openness. He considered there were no special circumstances to justify approving the application.

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**Application No:** 13/00976/FUL  
**Appeal by:** Mr Andrew Dickinson  
**Proposal:** Two storey side and single storey rear extension  
**Address:** 4 Gormire Avenue York YO31 9JB

**Decision Level:** DEL  
**Outcome:** DISMIS

The appeal related to the refusal of planning permission for the erection of a two-storey side extension and single storey mono - pitched rear extension to create an integral garage, extended kitchen and dining area with bedrooms at the first floor. The application was refused on the basis that the extension would appear would appear unduly oppressive and overbearing when viewed from the rear of the neighbouring property at 2 Gormire Avenue and would thus detract from the standard of amenity that the occupiers of this property could reasonably expect to enjoy. The Inspector dismissed the appeal concluding that the massing and proximity of the proposed extension to the neighbouring property, it would create an overbearing feature that would have a negative impact on the living conditions of both current and future occupants of No. 2 Gormire Avenue. Consequently, would conflict with Policies GP1(i) and H7(d) of the DDCLP.

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**Application No:** 13/01308/FUL  
**Appeal by:** Mr Thompson  
**Proposal:** External cladding to front and rear  
**Address:** 26 The Old Village Huntington York YO32 9RB

**Decision Level:** DEL  
**Outcome:** PAD

The appeal related to the refusal of planning permission to externally clad the upper sections of the front and rear elevations for the purpose of installing Kingspan Insulation to improve the heat retention of the property. The application site is located within the Huntington Conservation Area. The application was refused on the basis that the external cladding to the front elevation of this dwelling would create prominent and incongruous feature which would fail to preserve the character or appearance of the Conservation area. This decision outweighed the public benefits in terms of energy efficiency improvements to the existing building. The Inspector part allowed / dismissed the appeal concluding that the cladding to the front would result in it appearing highly visible and incongruous, accentuated by the fact that the dwelling has a shallow front garden containing no tall landscaping to filter views of the front elevation. The cladding was allowed at the rear on the basis that it is much less visible from public vantage points and in particular from the conservation area

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Decision Level:

DEL = Delegated Decision

COMM = Sub-Committee Decision

COMP = Main Committee Decision

Outcome:

ALLOW = Appeal Allowed

DISMIS = Appeal Dismissed

PAD = Appeal part dismissed/part allowed

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## Outstanding appeals

<b>Officer: Andy Blain</b>						<b>Total number of appeals: 1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description</b>	
05/10/2011	11/00044/EN	APP/C2741/F/11/2160562	W	91 Micklegate York YO1 6LE	Appeal against Enforcement Notice	
<b>Officer: Diane Cragg</b>						<b>Total number of appeals: 2</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description</b>	
03/09/2013	13/00035/REF	APP/C2741/A/13/2204675	W	15 Moor Lane Haxby York YO32 2PQ	Erection of bungalow to side	
14/08/2013	13/00036/REF	APP/C2741/A/13/2203642	W	Chowdene Malton Road Huntington York YO32 9TD	Change of use of land to permit the creation of 20 pitches for touring caravans or tents and erection of toilet block (resubmission)	
<b>Officer: Erik Matthews</b>						<b>Total number of appeals: 2</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description</b>	
03/12/2013	13/00047/REF	APP/C2741/A/13/2209861	W	Country Park Pottery Lane Strensall York YO32 5TJ	Use of land for winter storage of up to 30 touring caravans	
11/12/2013	13/00048/REF	APP/C2741/E/13/2209500	W	Penn House 38 St Marys York YO30 7DD	Cleaning of external walls and railings	
<b>Officer: Esther Priestley</b>						<b>Total number of appeals: 2</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description</b>	
26/11/2013	13/00045/TPO	APP/TPO/C2741/3561	W	6 Beaufort Close York YO10 3LS	Fell Pine Trees x 4, Trees protected by Tree Preservation Order CYC 15	
29/10/2013	13/00038/TPO	APP/TPO/C2741/3528	W	2 Atcherley Close York YO10 4QF	Fell Oak (T1), Tree protected by Tree Preservation Order 15/1985	
<b>Officer: Jonathan Kenyon</b>						<b>Total number of appeals: 2</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description</b>	
02/12/2013	13/00043/REF	APP/C2741/A/13/2209508	W	Queens House Micklegate York	Variation of condition 1 of permitted application 13/01840/FUL to amend design of door	
12/12/2013	13/00046/REF	APP/C2741/A/13/2210255	W	STREET RECORD The Purey Cust York	Creation of 1 no. additional car parking space	

<b>Officer: Michael Jones</b>					<b>Total number of appeals: 1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description</b>
14/08/2013	13/00031/REF	APP/C2741/A/13/2203315	W	Harlestone 14 York Road Strensall York YO32 5UN	Erection of dormer bungalow to rear (resubmission)
<b>Officer: Matthew Parkinson</b>					<b>Total number of appeals: 2</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description</b>
17/06/2011	11/00026/EN	APP/C2741/C/11/2154734	P	North Selby Mine New Road To North Selby Mine	Appeal against Enforcement Notice
20/03/2013	13/00020/EN	APP/C2741/C/13/2197855	W	Lucia Bar And Grill 9 - 13 Swinegate Court East	Appeal against Enforcement Notice dated 8 April 2013
<b>Officer: Paul Edwards</b>					<b>Total number of appeals: 2</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description</b>
23/10/2013	13/00039/REF	APP/C2741/A/13/2207351	W	37 Fishergate York YO10 4AP	Change of use from dwelling house (Use Class C3) to house in multiple occupation (C4)
20/01/2014	14/00001/REF	APP/C2741/A/14/2211897	W	5 Lund Close Wigginton York YO32 2WU	Single storey side extension forming domestic utility room and hairdressing salon (retrospective)
<b>Officer: Sharon Jackson</b>					<b>Total number of appeals: 1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description</b>
21/01/2014	14/00002/REF	APP/C2741/A/14/2212129	W	7 Abbotsford Road York YO10 3EE	Change of use from residential (use class C3) to house in multiple occupation (use class C4) (retrospective)
<b>Officer: Victoria Bell</b>					<b>Total number of appeals: 1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description</b>
22/10/2013	13/00037/NON	APP/C2741/A/13/2206934	W	Holly Corner 52 North Lane Haxby York YO32 3JP	Erection of 3no. two-storey houses (resubmission)
<b>Total number of appeals: 16</b>					

Committee update relating to item no. 4b on the agenda Planning Reference 13/03267/FULM Site at Brecks Lane Strensall.

Amended plan referred to in paragraph 4.45 covering minor changes to the layout in relation to existing properties has been received. The amended details are acceptable.

Details of solar panels have been added to the house types where appropriate. The relevant plots have been identified on the site layout.

Various amendments are proposed to conditions to improve the wording and meaning as follows:

Condition 2 – The relevant plans need to be added to this condition

Condition 6 – add in routing of deliveries and provision of car parking within the site

Condition 9 - Amended to give some flexibility to the implementation of the scheme given the size of the development. Add in 'The approved scheme shall be implemented before first occupation of the development or within such longer period as may be approved as part of the submitted scheme'

Condition 10 – Change the word the building within the condition to each dwelling.

Condition 11 – Amendments to the wording of the condition to ensure the provision of interpretation leaflet and information board covering the habitat value of the existing tree cover in relation to Strensall common. (This addition covers the requirement for an additional condition referred to in paragraph 4.78)

Condition 15 – Amendments to the condition to properly reflect the information already submitted as follows:-

15. Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

1. In accordance with City of York Councils Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards peak surface water run-off from the development must be attenuated to that of the existing rate (based on a Greenfield run off rate of 1.40 l/sec/ha). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. Therefore maximum surface water discharge = 6.0 l/sec

2. . Details of flow control device manhole to be submitted limiting the maximum

surface water discharge to maximum 6.0 l/sec.

3. Details of attenuation pond must be provided.
4. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.
5. Details of the future maintenance/management of the drainage system.

Note: Written consent shall be sought from Yorkshire Water with regards to connection of foul and surface water into their sewers.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site and that provision has been made to maintain it.

Amended wording to condition 29 to add in plot numbers.

Amended wording to condition 31 as follows:-

Prior to work commencing on plots, 93, 96 to 99 and 102, plots 4 to 7, plot 18, plot 19 and plot 1 fencing details ( or other agreed appropriate detail) shall be submitted to and approved in writing by the Local Planning Authority as follows:-

- plots 93, 96 to 99 and 102 on the joint western boundary with existing residential properties;
- plots 4 to 7 on the northern boundary adjacent to the existing trees,
- the side and rear boundary of plot 18 and rear boundary of plot 19
- the side boundary of plot 1 facing Moray Close.

Thereafter the approved details shall be implemented to the satisfaction of the Local Planning Authority before the dwellings on these plots are first occupied.

Reason: In the interests of the residential amenity of existing properties and to protect the existing hedge to the rear of plots 93, 96 to 99 and 102, to protect the trees to the rear of plots on the northern boundary and in the interest of visual and residential amenity in relation to plots 1, 18 and 19.

The application does include a statement of community involvement submitted by the applicant as part of their planning statement. The involvement included pre-application consultation with the LPA; a consultation web site; consultation with statutory consultees subsequently, although not part of the original statement of community involvement, an exhibition was held in the village. The consultation concludes that residents key concerns related to the impact of the development on traffic generation and on local services



**Committee update**  
**Hungate Development Site, Hungate**  
**13/03015/FULM**

**Update to the Report**

**Environmental Impact Assessment**

A comprehensive Environmental Statement (ES) was prepared for the outline application for the Hungate Development under the 1999 Environmental Impact Assessment Regulations (EIA). Paragraphs 1.6, 1.7 and 1.8 of the officer's report provide a chronology of the review and screening of the Environmental Statement when considering subsequent alterations to the outline permission and reserved matters applications, these are considered to be "subsequent applications" under the EIA Regulations. The officer's report refers to the current application as a "subsequent application" under the 2011 EIA regulations however as a Full application on a site greater than 0.5ha it falls within Section 10 (b) of Schedule 2 to the Regulations and requires screening under Regulation 7.

The proposed development has been screened in accordance with the selection criteria contained within Schedule 3 of the regulations (characteristics of development, location of development and characteristics of the potential impact) in terms of the likely impact upon townscape and visual quality, transport, air quality, noise, archaeology, built heritage, ground conditions, hydrology, ecology, and pedestrian amenity. It was considered that the proposed development would not have a significant environmental effect requiring the submission of an Environmental Statement.

**Housing Numbers, Size and Type**

Paragraph 4.13 of the Committee report refers to the additional 51 units approved in the reserved matters and subsequent approvals for Phase 1 as compared with the outline approval, which detailed that 122 units would be provided within Phase1.

The applicant has confirmed that approval ref: 12/02216/FULM for the conversion of 6 No. townhouses to form 12 No. duplex apartments was not implemented and that the total number of units within Phase 1

amounts to 168. This represents an increase of 46 units in Phase 1 (from the total detailed in the outline approval) and would give a total of 363 units within Phases 1 and 2.

### **Update to Recommendation**

Additional point: (iii) payment to secure the provision enhanced pedestrian and cycle facilities in the vicinity of the St Saviours Place/Dundas Street/Peaseholme Green Junction consisting of zebra crossing and pedestrian refuges on Peaseholme Green at junction with St Saviours Place.

### **Update to Conditions**

#### **Condition 3**

Item (a) refers to Roof panels. To provide clarification, this should read (a) solar PV roof panels

#### **Condition 11 (Foss Riverbank/wall)**

To remove the words “the relevant phase”.

#### **Condition 16**

Amended as follows (to incorporate Condition 28);

Prior to any works commencing on site, a construction environmental management plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration and dust resulting from the site preparation, groundwork and construction phases of the development. The CEMP shall also include a detailed method of works statement relating to the highway network, which shall include at least the following information;

- measures to prevent the egress of mud and other detritus onto the adjacent public highway
- a dilapidation survey jointly undertaken with the local highway authority
- the routing for construction traffic that will be promoted
- a scheme for signing the promoted construction traffic routing

- details of the areas which will be used for the storage of materials, site compound, and the parking and turning of construction traffic clear of the public highway.

Once approved, the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

#### **Condition 24**

Currently reads;

*No dwelling to which this planning permission relates shall be occupied unless or until the carriageway basecourse and kerb foundation to the new estate road and footpath to which it fronts, is adjacent to or gains access from, has been constructed. Road and footway wearing courses and street lighting shall be provided within three months of the date of commencement on the construction of the penultimate dwelling of the development.*

Revised wording as follows;

No part of the development to which this planning permission relates shall be occupied unless or until the carriageway and footway wearing courses and street lighting to the new estate road and footpath to which it fronts, is adjacent to or gains access from, have been completed and in terms of street lighting are in working order.

#### **Condition 25 (Cycle parking areas)**

Condition 25 requires that “prior to their installation, details.....”. Instead the condition should state “prior to development commencing, details...”

#### **Condition 27 (Off-site highway works)**

To be deleted (incorporated into Section 106 Obligation)

#### **Condition 28 (method of works statement)**

To be deleted (incorporated into Condition 16)

**Condition 29**

Amended as follows;

The development shall not begin until details of separate systems of foul and surface water drainage works for that phase have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Details to include:

1. Calculations and invert levels to ordnance datum of the existing foul and surface water system should be provided together with details to include calculations and invert levels to ordnance datum of the proposals for the new development.
2. In accordance with City of York Councils Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

Please note that If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above.

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

**Condition 31** (surface water drainage from parking areas to be passed through an oil interceptor)

To be deleted as not applicable to Phase 2.

**Condition 32**

To be amended as follows;

Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 5m of the line of the sewers at greater depths, or within 3m (three) of the line of the sewers at shallower depths which cross the site. This is subject to the foundation details being agreed and a minimum distance of 300mm between the outside edges of the proposed foul water surface water sewers.

**Condition 33** (No piping shall be installed within 10m of any public sewer)

To be deleted.

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