



## Publication Draft Local Plan 2018:

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GI4	Trees and Hedges
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### **3.0 CONSULTATIONS**

#### INTERNAL

#### Design, Conservation and Sustainable Development

#### Heritage Project Officer

3.1 The archaeological potential of the site has previously been set out in response to the outline application 16/02358/OUTM. A desk-based assessment and geophysical survey have been completed. Evaluation by trial trenching is still required as well as building recording of the Pavilion.

3.2 The outline application carries several conditions relating to geophysical survey and evaluation trenching, a watching brief (as a precautionary measure should this be required following evaluation works) and building recording. These conditions also apply to the current REMM application.

#### Landscape Architect

3.3 The information submitted demonstrates that the access can be achieved without having any detrimental impact upon the protected tree belts. The tree preservation order is an area TPO, such that only the trees that were present at the time of serving the order are protected, except where young trees have been planted as replacements for protected trees that have been removed with consent from the LPA, which some of the young trees to be removed might be. Nonetheless it is accepted that the young periphery trees shown to be removed are easily replaced, and that some of them may not be protected.

3.4 The development comes very tight up to the top of the slope on the western

boundary with Woodlands. Whilst these trees are not subject to a tree preservation order they do provide a valuable division between the development and the adjacent care facility, therefore they should be protected as intended. With a development of this scale there is a risk of 'setting out creep'. Therefore the proposed fence line should be the fixed line, such that should the units end up closer to the trees, the result would be a shorter garden.

3.5 The landscape scheme will need addressing but this can be achieved under condition 20 of the outline permission.

3.6 Surface materials are covered by conditions 7 and 8, but YH must be made aware that it would not be aesthetically acceptable for the entire hard surfacing (with the exception of the front path – which is paved) to be in black tarmac. The surface treatment to the front of units 38-55 is not clear. If trees can not be added to the street scene, then there needs to be some variation between the black tarmac road and the black tarmac footpath and the forecourts.

3.7 The proposed knee rail to the back of the kerb, adjacent to the protected woodland to the east of the site, to prevent parking and compaction and wearing down of grass in this area, is acceptable.

### Public Protection

3.8 Providing the noise mitigation measures are installed as per this report no objections are raised. The information submitted demonstrates that noise levels with the gardens and dwellings will be below the BS 8233 criteria.

### Strategic Planning

3.9 Given the advanced stage of the emerging Plan's preparation, the lack of significant objection to the emerging policies relevant to this application and the stated consistency with the Framework, we would advise that the policy requirements of emerging plan policies DP3, H2, H10, H3, HW2, HW3, HW5, D1, D2, GI4, GI6, CC1, CC2, CC3, ENV2, and ENV5 should be applied with moderate weight. On the basis of our analysis, there are no policy objections in principle to this reserved matters application, subject to detailed site specific considerations including landscaping, design and climate change.

### Parks and Open Space

3.10 The play area equipment is provided by a reputable national play equipment manufacturer and the design and layout meets the requirements for the site. Three minor alterations are proposed to relocate the stepping pods to a more appropriate location, remove the low level planting to allow for more free play and remove some of the proposed trees to allow for better supervision.

## Health, Housing and Adult Social Care: Housing Strategy and Development

3.11 The Housing Strategy and Development Team strongly support this application. It provides an excellent opportunity to deliver 69 much-needed affordable homes, all of which are family houses, on a site where Outline planning permission had been granted for a policy compliant 30% level of affordable housing. A Variation will be needed to the Outline Section 106 Agreement to reflect this, with restrictions to ensure that 30% of the affordable housing is either provided in perpetuity, or the subsidy recycled within the City of York area.

3.12 The agreed affordable housing provides a total of 69 two, three and four bedroom houses, which overall meets the high need for family housing identified in the SHMA. Discussion has been held with the applicant regarding the mix between 2- and 3-bed houses, which does not align with the SHMA identified need (shown on the following page). However, it is accepted that this scheme represents the best balance given the constraints imposed by the 100% affordable housing delivery achieved on this site.

### Highway Network Management

3.13 Vehicular access to the site will be taken solely from the existing controlled junction at Hull Road/Windmill Lane as agreed at the outline planning stage. Two new roads will be served off the main road through the site to provide access for the east and west parts of the development. Short cul-de-sacs are proposed to serve the properties. Standard turning heads are proposed within the development for refuse vehicles.

3.14 Concerns are raised in connection with the lack of visitor parking. Dropped crossings limit the amount of on street parking which can be provided and it is considered that inconsiderate parking on bends and along the main access to the leisure centre may arise. As a result it is proposed to prevent parking along certain routes through double yellow lines in order to allow vehicles to access/exit driveways and to protect the free flow of traffic along the route to the leisure centre. The proposed Traffic regulation orders will form part of the adopted highway section 38 works (highway agreement).

3.15 However, the site is within a sustainable location close to good public transport links and as such no objections are raised.

### Structures and Drainage

3.16 Following our assessment of the revised Drainage Philosophy prepared by Billingham George & Partners (issue 004) dated 19<sup>th</sup> February 2019 and in line with the response from Yorkshire Water dated 4<sup>th</sup> March 2019 the Flood Risk Management Team has no objections to the development in principle.

3.17 In summary, the report states that foul water will discharge to public combined sewer network and with regard to surface water it demonstrates that sub-soil conditions do not support the use of soakaways. Together with Yorkshire Water the Flood Risk Management Team therefore accepts that surface water may discharge to public surface water sewer with flows limited to 4.75 (four point seven five) litres per second as a practical minimum to prevent blockages and provide an acceptable pumping regime.

## EXTERNAL

### Yorkshire Water

3.18 No observations

### North Yorkshire Police Design Out Crime

3.19 An analysis of police recorded incidents in the area of the proposed development highlights the presence of crime and anti-social behaviour in the area which could impact upon the security of the scheme. The most significant crime issues are theft of cycles left insecure in rear gardens and damage to and theft from parked unattended vehicles. Issues in connection with the public footpath from public open space to the cul-de-sac have been resolved with the removal of this path and the erection of a secure fence. The footpath between plots 30 and 37 has been removed as requested.

3.20 Building for Life 12 recommends that parking provision enables the owner to be able to see their vehicle from their home. Failure to provide this can result in residents parking their vehicles directly outside their house, where the road is not designed to accommodate this. Where cars are parked at a rear the boundary treatment should be permeable. The plans have been amended to address this issue.

3.21 External lighting is recommended for each elevation containing a doorset and defensible planting should be provided to the boundary of plot 55.

### Foss Internal Drainage Board

3.22 The Board notes that this is an Application for approval of reserved matters following outline approval in 16/02358/OUT. The Board is limiting its comments to condition 22 in relation to the disposal of surface water. The surface water from the development is to be disposed of via an offsite Yorkshire Water Surface Water sewer in Tang Hall Lane. The Board is confident that, if correctly selected, technical solutions are available which can provide flow control that can be maintained and without being prone to blockages.

3.23 It appears the proposed pumping station will be downstream of the flow restriction. The report states 'The network will drain via gravity to south eastern area of site where it will flow through the attenuation structure and into the pumping station.

This would appear to make the peak discharge from the site the capacity of the pump rather than the designed attenuated flow. Unable to discharge condition 22.

### Yorkshire Water

3.24 The Drainage Philosophy prepared by Billingham George & Partners (issue 004) (Report dated 19/02/2019) is acceptable. In summary, the report states that foul water will discharge to public combined sewer network and with regard to surface water it demonstrates that sub-soil conditions do not support the use of soakaways. YW therefore accepts that surface water may discharge to public surface water sewer with flows limited to 4.75 litres/second as a practical minimum to prevent blockages and provide an acceptable pumping regime.

### Neighbours

3.25 Seventeen responses received raising the following objections:

- Inadequate on site parking resulting in congestion
- Carparking along the main access to David Lloyd
- The access is insufficient for the heavy machinery during construction
- Inadequate refuse storage
- The pumping station is very close to the protected trees
- The noise from the pumping station may disturb wildlife
- The hedge which runs along Windmill Lane has a number of gaps and would not screen the development
- The woodland needs a management plan
- Cycle and pedestrian routes should be located within the woodland parallel to Hull Road
- Increased vehicular noise at the junction
- Loss of open space to walk
- Object to 100% affordable on the site
- 100% affordable would affect the character of the area and would not facilitate a balanced community
- Insufficient drainage
- Additional light pollution
- Antisocial behaviour in the park on an evening
- The site is within the greenbelt
- Inadequate electricity supply
- Loss of ambulance waiting station
- Loss of trees
- The woodland would be fenced off
- Noise generated by the science park and David Lloyd should be investigated

## 4.0 APPRAISAL

### KEY ISSUES

- Scope of outline application
- Design, Layout, and appearance
- Affordable housing
- Landscaping
- Open space
- Drainage

### ASSESSMENT

#### PLANNING POLICY

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

4.2 National planning policy is set out in National Planning Policy Framework (NPPF). The current version was published on 19 February 2019. Its planning policies are material to the determination of planning applications. At the heart of the NPPF is a presumption in favour of sustainable development. It states at paragraph 11 that, for determining planning applications, it means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework when taken as a whole'.

#### PUBLICATION DRAFT YORK LOCAL PLAN (2018)

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

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

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

#### DRAFT DEVELOPMENT CONTROL LOCAL PLAN (2005)

4.5 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF as revised in March 2012, although the weight that can be afforded to them is very limited.

#### SCOPE OF OUTLINE APPLICATION

4.6 Approval of outline planning permission 16/02358/OUT was granted at committee on 15th June 2017 subject to a legal agreement. The decision notice was issued on 29th May 2018 which reserved all matters except access. The principle of development of the site for housing has been approved by the outline planning permission. The legal agreement secured an access and management plan for the protected trees surrounding the site, a community use agreement for the University's facilities at the applicant's Haxby Road site, on site children's play area, real time bus displays, bus travel or cycle accessories contribution per first occupier, affordable housing of 30% and a financial contribution of £215,935 towards education facilities. A condition was attached to the outline planning permission limiting the number of dwellings to 70. Whilst this is a relatively low density there are a number of constraints within the site which prevent a higher density being provided.

4.7 The principle of residential development of up to 70 dwellings with access from the junction at Hull Road/Windmill Lane has been accepted under the outline planning permission at the site. This reserved matters application is concerned only with the detail of the development being its appearance, landscaping, layout and scale, which are assessed below.

#### DESIGN, LAYOUT AND APPEARANCE

4.8 Paragraph 38 of the NPPF states that local planning authorities should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

4.9 Across the plan period the emerging local plan seeks to provide for an appropriate mix of house types and sizes in line with the SHMA which sets housing mix at a strategic level. The SHMA (2016) suggests that the focus of new housing provision should be on two and three bed properties reflecting the continued demand for family housing and the demand from older persons wishing to downsize but still retain flexible accommodation.

4.10 The site utilises the existing access off Hull Road at the junction with Windmill Lane. The central road serves the David Lloyd Leisure Centre which lies to the south of the site. Two new accesses are proposed off this central road serving a number of short cul-de-sacs, one serving the western portion of the site, the other running parallel to the tree belt to the east of the site. 69 dwellings would be provided in total comprising 14 x 2 bed, 45 x 3 bed and 10 x 4 bed configured in 54 semi detached and 15 detached dwellings.

4.11 Policy H2 (Density of Residential Development) of the Draft Local Plan (2018) set out that there should be a net density of 50 units/ha in York urban areas. Delivering densities that support the efficient use of land requires good design that responds to its context, an appropriate mix of house types and should be informed by the local character of the area. The council considers that, given the advanced stage of the emerging plan's preparation, the lack of significant objection and the plan's consistency with the Framework, the policy requirements can be given moderate weight in the consideration of the application. The site has an area of 4.7ha and would provide 69 dwellings which equates to 14 dwellings per hectare. However, the site comprises of an area of land 2.31ha which can not be developed due to the existing protected tree belts and locked area of land to the west of the sports centre. This leaves an area of land for development measuring 2.39ha which equates to 29 dwellings per hectare.

4.12 Whilst this is still below the recommended density it is considered acceptable. The site provides an area of land 0.44ha in size to be used as an open play area and equipped children's play area. The presence of the mature tree belts and the existing central access road required a scheme which kept development away from these areas and as such impacted on the overall layout of the site. Furthermore, the site is located within an area of traditional two storey dwellings and it was considered that a flatted development would have a detrimental impact upon the character of the area.

4.13 Policy D1 of the Draft Local Plan (2018) and Chapter 12 of the NPPF gives advice on design, placing great importance to the design of the built environment. At paragraph 130, it advises against poor quality design that fails to take the

opportunities available for improving the character and quality of an area and the way it functions.

4.14 The proposed development proposes 69 dwelling divided into six different house types. All properties are two storeys in heights, with an eaves height of 5.025m and a ridge height of 8.2m, and of traditional proportions incorporating pitched roofs with gable ends. Three different bricks are proposed with elements of off white render and grey interlocking roof tiles, stone cills and headers are proposed. The Barndale and Silverdale house type introduce a side element which is set back from the front elevation and stepped down in ridge height in order to introduce some relief within the ridge heights of the development. The materials have been selected to compliment the nearby residential developments. It is considered that the scale and design of the dwellings would sit comfortably within this location.

4.15 The house types are evenly dispersed throughout the development. All of the properties have enclosed private rear gardens of an appropriate size for the unit and no unacceptable overlooking would arise from neighbour's properties. 1.8m high close boarded fencing is proposed to the majority of the rear gardens. Boundaries that abut a footpath are proposed to be 0.67m high brick wall topped with close boarded fencing to an overall height of 2.1m to provide added security for the properties. The proposed dwellings which front onto the main access point are all provided with landscaped front gardens to soften the development. Car parking for these units is proposed to the rear. Four properties face onto the main access road to David Lloyd on the eastern side of the access which creates a pleasing active frontage. However, the western side of the access is currently dominated by a 1.8m timber fence, to the properties rear gardens, which dominate this access and creates a hard barrier. The scheme has been revised since its first submission to set the fencing away from the boundary and to allow for landscaping to be proposed to soften this element of the scheme.

4.16 Due to the self contained nature of the site there would be no impact upon any residential properties that exist outside of the site boundary.

## HIGHWAYS

4.17 Section 9 of the NPPF seeks to promote sustainable transport. Paragraph 103 states that the planning system should actively manage patterns of growth and that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.' Measures to encourage sustainable transport choices have been secured as part of the outline permission.

4.18 Vehicular access to the site will be taken solely from the existing controlled junction at Hull Road/Windmill Lane as agreed at the outline planning stage. Two new roads will be served off the main road through the site to provide access for the east and west parts of the development. Short cul-de-sacs are proposed to serve the

properties. Standard turning heads are proposed within the development for refuse vehicles. The roads would be to an adoptable standard and five short private sections are proposed off the cul-de-sacs serving a number of properties. Two combined bin collection areas are proposed for a number of dwellings which are served by the longer private accesses. Adequate visibility splays are provided throughout the site.

4.19 All properties are provided with off street parking with the majority of the properties have a minimum of 2 spaces each, with the larger properties also having access to an integral garage. Cycle storage facilities are proposed either within the garages or within secure cycle stores within the rear gardens.

4.20 Pedestrian routes through the western woodlands would be retained as would the pedestrian access adjacent to plot 55 which serves as a short cut to the University over the open land adjacent to the sports centre. A short footpath linking the eastern side of the development to the central access, adjacent to plot 30, has been removed at the request of the North Yorkshire Police Design Out Crime Officer as has the pedestrian access to the play area to the south between plots 1 and 4.

4.21 Concerns have been expressed in connection to the lack of visitor parking proposed. Due to the nature of the development dropped crossings and hard surfacing to the front gardens to provide parking is widespread. This prevents on street parking for much of the development, particularly the lower western portion of the site, between plots 38 and 55. Concerns have been raised that this may result in inconsiderate parking on bends and along the main access to the leisure centre. As a result it is proposed to prevent parking along certain routes through double yellow lines in order to allow vehicles to access/exit driveways and to protect the free flow of traffic along the route to the leisure centre . A knee rail is proposed along the eastern side of the eastern access to prevent parking on the grass verge under the canopy of the protected tree belt. The proposed Traffic regulation orders will form part of the adopted highway section 38 works (highway agreement).

4.22 Whilst on street parking is limited and no visitor parking is provided it is considered that due to the sustainable location of the development along a main route into the city centre and along a busy bus route no objections are raised. Due to the contained nature of the site it would be unlikely that parking would be pushed into neighbouring development due to the distance of separation. Furthermore, there is no on street parking available along Windmill Lane and as such these residents should not be disturbed.

## AFFORDABLE HOUSING

4.23 Draft Local Plan (2018) Policy H3 'Balancing the Housing Market' seeks to balance the delivery of different types of housing to meet the requirements as set out in the Strategic Housing Market Assessment (2016) evidence base to ensure that housing delivered reflects the needs across the city. This includes a range of housing types to meet the needs of individuals, families and older people.

4.24 York's Strategic Housing Market Assessment (2016) states that York's affordable housing need is 573 net additional households per year. This level of affordable housing need is heavily predicated on the assumptions relating to the level of income which is spent on housing costs and reflects the imbalance of earnings to house prices in the city. It is not intended that the Council should provide this level of affordable per year as the affordable housing need does not represent an assessment of what proportion of additional households might require affordable housing. Instead the model considers:

- What need can be expected to arise from both existing and newly-forming household who require financial support to access suitable housing;
- This is then compared with the projected supply of affordable housing expected to arise from the turnover of existing stock.

4.25 The Strategic Housing Market Assessment also sets the requirements for each type and number of bedrooms most in need. For affordable housing, this is demonstrated to be 1, 2 and 3 bedroom properties.

4.26 Draft Local Plan (2018) Policy H10 'Affordable Housing' sets out the Council's intention to maximise affordability across the housing market and states that Greenfield sites seeking permission for more than 15 dwelling should provide 30% affordable homes on site. The council considers that, given the advanced stage of the emerging plan's preparation, the lack of significant objection and the plan's consistency with the Framework, the policy requirements can be given moderate weight in the consideration of this application.

4.27 The scheme proposes 100% affordable within the site. The scheme will constitute high quality housing that will be designed to the standards required by Homes England (HE), and will be developed by one of the council's Registered Provider partners, Yorkshire Housing. A range of affordable tenures will be provided with 13 of the homes being for affordable rent, 17 using the national Rent to Buy model, and 39 for Shared Ownership delivered with social housing grant from HE who are providing grant funding. Affordable Rent and Rent to Buy rent levels are set up to 80% of estimated market rent for the properties, with Rent to Buy tenants given an option to buy the property at a later stage.

4.28 The tenure and house types are detailed below:

House type	Affordable Rent	Rent to Buy	Shared Ownership	Total
2-bed	7	7	0	<b>14</b>
3-bed	6	10	28	<b>45</b>
4-bed	0	<b>0</b>	10	<b>10</b>
<b>Total</b>	<b>13</b>	<b>17</b>	<b>39</b>	<b>69</b>

4.29 Concerns have been expressed that the site will provide 100% affordable and would not demonstrate a balanced community. National and local planning policy exists to secure affordable housing as a proportion of major residential developments and for this site a policy compliant 30% affordable housing was secured at outline stage. In planning terms a house provided by a registered social landlord remains within the C3 use class, there is no mechanism to control the ownership or method of occupancy of the development should the developer wish to provide more affordable housing. Policy H10 states that affordable housing should be pepper potted throughout the development. In this instance the whole site will be affordable and will therefore not allow for pepper potting. However, the site layout provides differing size dwellings of different tenures (Affordable Rent, Rent to Buy and Shared Ownership) dispersed throughout the development which would create a mixed and sustainable community. A minor variation of the legal agreement may be required to address a potential conflict in its wording.

## LANDSCAPING

4.30 Paragraph 117 of the NPPF promotes the effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 124 highlights the creation of high quality places as being fundamental to what the planning and development process should achieve. Paragraph 127 identifies landscaping as a key consideration in this.

4.31 Draft Local Plan (2018) Policy D2 states that development proposals will be supported where they conserve and enhance landscape quality and character, and the public's experience of it and make a positive contribution to York's special qualities and recognise the significance of landscape features such as mature trees, hedges, and historic boundaries and York's other important character elements, and retain them in a respectful context where they can be suitably managed and sustained. Policy GI4 recognises the range of far reaching environmental benefits that trees provide.

4.32 The site is bounded to the north, east and west by protected belts of mature trees (TPO42). These are to be retained and protected during construction works. Public access through the eastern tree belt would be retained as would the pedestrian link to Hull Road through the northern tree belt. A number of self seeded trees to the north near plots 64 would be removed as would an area to the southern end of the eastern tree belt to accommodate the surface water pumping station.

4.33 In total the scheme would result in the loss of approximately 73 individual trees. The majority of these are not protected and are located along the boundary with the tennis courts and along the existing access road. These have been identified for removal either because their potential for future growth makes them incompatible next to residential development, because they will restrict highway visibility or because they are incompatible with existing underground services.

4.34 Four trees are proposed to be removed from the southern element of the eastern tree belt to allow for the erection of the pumping station. The trees are young specimens with a condition rating of C (low quality). Surface water will drain by gravity from the north of the site to the south and as such the only alternative locations for the station were within the public open space or within the area of plots 1-7. These would have either necessitated the loss of an area of open space or the loss of an affordable dwelling. In this instance it is considered that the loss of the trees is acceptable. The loss of the trees can be accounted for within the replacement planting scheme. Details of the pumping station will be required by condition.

4.35 The Landscape Masterplan proposes approximately 99 new trees. The replacement trees will be select and heavy standards to provide a reasonable degree of instant maturity. A high percentage of native trees are proposed and it is noted that there is a good mix of types.

4.36 The Wold Ecology Conservation Management Plan identifies 6 bat boxes located on existing trees, 6 bat tubes on the new houses, 14 bird boxes, 2 tawny owl boxes, 4 habitat stacks and 4 hedgehog boxes will be provided.

## OPEN SPACE

4.37 The NPPF supports the provision and enhancement of open space as part of new development. NPPF paragraph 96 recognises the importance of providing a network of high quality open space and opportunities for sport and recreation for health and well-being. It goes on to state that decisions and requirements should be based on robust up-to-date assessments of the need for open space, sports and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision.

4.38 Draft Local Plan (2018) policy GI6: New Open space Provision requires all new residential development proposals to contribute to the provision of open space for recreation and amenity. Provision is calculated using a standard methodology set out in the Open Space Study Evidence base, which the council considers to have been prepared in accordance with the NPPF. For the Hull Road Ward where the site lies, there is a surplus of parks and gardens in natural/semi natural space, amenity green space, outdoor sports and allotments but a deficit in children's and young persons facilities. As such the proposed equipped children's play area is welcomed.

4.39 Emerging local plan policy GI6 states that the council will encourage on-site provision where possible but off-site provision would be acceptable under certain circumstances.

4.40 In accordance with the Section 106 agreement the scheme provides 0.44ha (excluding the woodlands) to the south of the site which comprises of an informal landscaped amenity area containing a fenced children's equipped play area. The

grassed area would be used as an informal area for exercise and games. The open space would be maintained in accordance with a management plan and would be available for both occupants of the housing development and the existing neighbouring houses.

4.41 The children's equipped area provides an enclosed section containing stepping pods, seesaw, twin balance beams, inclined balance weave, a three tower oak tower, butterfly roundabout and a 2.4m net swing. The equipment provided meets the requirement of the S106 agreement and council standards.

4.42 Concerns were expressed by nearby residents that access to the woodlands was to be restricted by the erection of fencing around the site. This was identified as being a drafting error on the plan. The woodlands would remain open for the general public to enjoy.

## DRAINAGE

4.43 As a Greenfield site, in accordance with Draft Local Plan (2018) Policy ENV5, surface water flows arising from the development shall be no higher than the existing rate prior to development taking place. Unless it can be demonstrated that it is not reasonably practicable to achieve this.

4.44 The site lies within Flood Zone 1 and should not suffer from flooding. Since the outline application was submitted site investigation has taken place and it has been established that the ground is not suitable for the disposal of surface water to the ground by soak away. As the nearest watercourse (Osbalwick Beck) is approximately 350m to the north of the site it is not practical to discharge to a watercourse.

4.45 The site will be served by a network of pipes which drain by gravity to the south east of the site where it will flow through an attenuation structure to the proposed pumping station. The surface water will then be pumped to a new surface water structure in Tang Hall Lane then discharged to the Yorkshire Water system. The system will have a discharge rate of 4.75l/s. Foul water will discharge to the combined sewer located in Windmill Lane.

4.46 As part of the drainage scheme it is necessary to install a pumping station to the south east of the site. The station would be located partially within the existing tree belt. In order to accommodate the station four trees are proposed to be removed. These are classed as being low level C trees and their loss can be accommodated by replanting elsewhere. Drainage details are covered by condition on the outline permission.

## **5.0 CONCLUSION**

5.1 The principle of the use of the site for residential was approved at outline stage under permission 16/02358/OUT. The application is in line with the requirement of the outline permission in terms of the number of dwellings, access to the site, public open space provision and the management of the protected tree belts. The reserved matters create a development comprising 100% affordable housing of a design and layout which is compatible with the surrounding area.

5.2 Wider development impacts are controlled via conditions imposed on the outline consent including land contamination, acoustic issues, construction environmental management plan, archaeology, drainage and landscaping.

5.3 In conclusion, it is considered that the proposed scheme would not have adverse impact that would significantly and demonstrably outweigh its benefits when assessed against the policies in the NPPF taken as a whole, taking into account the details of the scheme and any material planning considerations. The proposal is thus sustainable development for which the NPPF carries a presumption in favour. As such, the proposal is considered to accord with national guidance in the NPPF and the Draft Development Control Local Plan Policies subject to other relevant conditions.

## **COMMITTEE TO VISIT**

## **6.0 RECOMMENDATION**

That Delegated Authority for the Assistant Director of Planning and Public Protection to Approve subject to a variation of the Section 106 Agreement in respect of affordable housing to be provided in the development and subject to the following conditions:

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

Location Plan 001-(PL)-8348 dated 27<sup>th</sup> September 2018

Site plan 003-(PL)-8348 Rev C dated 1st April 2019

Boundary treatment 004-(PL)-8348 received 9th January 2019

Tenure allocation 005-(PL)-8348 received 9th January 2019

House type 1 Proposed floor plans - 101-(PL)-8348 and elevations 201-(PL)-8348

House type 2 Proposed floor plans - 102-(PL)-8348 and elevations 202-(PL)-8348

House type 3A Proposed floor plans - 103-(PL)-8348 and elevations 203-(PL)-8348

House type 3B Proposed floor plans - 104-(PL)-8348 and elevations 204-(PL)-8348

House type 4A Proposed floor plans - 105-(PL)-8348 and elevations 205-(PL)-8348

House type 4B Proposed floor plans - 106-(PL)-8348 and elevations 206-(PL)-8348

House type 5A Proposed floor plans - 107-(PL)-8348 and elevations 207-(PL)-8348

House type 5B Proposed floor plans - 108-(PL)-8348 and elevations 208-(PL)-8348

House type 6 Proposed floor plans - 109-(PL)-8348 and elevations 209-(PL)-8348  
House type 7A Proposed floor plans - 110-(PL)-8348 and elevations 210-(PL)-8348  
House type 7B Proposed floor plans - 111-(PL)-8348 and elevations 211-(PL)-8348

Landscape Masterplan R-2165-1C

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

2 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Development Order 2015), (or any Order revoking or re-enacting that Order), no fences, gates, walls or other means of enclosure shall be erected.

Reason: In the interests of visual amenity on this open plan development

3 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), development of the type described in Classes A to D of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of the amenities of the adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 2015.

## **7.0 INFORMATIVES:**

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

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

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

### **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

Application Reference Number: 18/02824/REMM

Item No: 3a

**Contact details:**

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