

## COMMITTEE REPORT

**Committee:** East Area  
**Date:** 7 July 2010

**Ward:** Clifton  
**Parish:** Clifton Planning Panel

**Reference:** 10/00580/FULM  
**Application at:** Axcent Ltd 156B Haxby Road York YO31 8JN  
**For:** Residential development consisting of 8no. semi-detached dwellings and 9no. apartments on site of former Co-operative Dairy  
**By:** Yorkshire Housing Limited  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 8 July 2010  
**Recommendation:** Refuse

### 1.0 PROPOSAL

#### 1.1 SITE

The site relates to an area of land (0.26 hectares) situated within the built up area of the City, located behind Haxby Road Primary School, Haxby Road, and accessed via White Cross Road. It is bounded by the grade II listed school to its west, an employment site to its north, cycle track with houses beyond to its north and east, and NHS outpatients building and sports/social club to the south. White Cross Road comprises terraced properties on either side, with the club building and access to the car park serving the NHS buildings at the end of the road.

The access to the site is between the end of terrace property on the northern side of the street and the sports/social club. A large brick built warehouse, formerly a dairy, currently occupies over half the site, abutting the site's eastern boundary with the cycle path. A hard-surfaced yard/parking area exists on the remainder of the site and is abutted by the wall enclosing the playground of the listed school to the west of the building.

#### 1.2 PROPOSAL

The proposal involves residential redevelopment of the site following the demolition of the existing warehouse. The replacement buildings would comprise four semi-detached pairs of two-storey dwelling houses (8 no. in total) and one L-shaped three-storey block of 9 flats. The apartment block would be located in the south-eastern corner of the site with frontages to the cycle track and the NHS building. The houses would be positioned along the access road and turning head, three in a row to the north and one to the south of the access road. A gate is shown adjacent to the north elevation of the apartment block giving access to the cycle track.

Access would remain via the existing driveway from White Cross Road, which would lead to a turning head with car parking spaces along it for the houses and in a car park on the southern arm of the turning head.

The application has been submitted by Yorkshire Housing Limited and is proposed to be 100% affordable units, with a mixture of rented and discount for sale properties. It has been confirmed that 10 of the units will be offered for social rent and 7 of the units would be offered as affordable housing for sale at a discount.

### 1.3 APPLICANT'S CASE

A Design and Access Statement, a Combined Planning and Sustainability Statement and Site Investigation documents support the application.

Design and Access Statement - gives information about the site context, policy background and comment on the use, amount, layout, scale, landscaping, appearance and access of the proposal. It confirms the density of 65 units per hectare. Units would have one parking space each. The dwelling houses have been provided with a private rear garden. The access gate to the cycle track is to be controlled by residents of the scheme through the management arm of the Housing Association. The buildings are to be of traditional design and construction with red brick walls and timber cladding with grey concrete roof tiles proposed. The proposal has been designed to meet Lifetime Homes standards and Building Regulations 2004: Approved Document M: Access to and use of the building.

Combined Planning and Sustainability Statement - This states that the proposed development provides for a sustainable, high quality residential development, providing affordable housing on a brown field site located in a sustainable location and that meets as a minimum Code for Sustainable Homes Level 3. The Sustainability Statement confirms that the scheme proposes the use of Gas Multisave Heat Exchanger along with high efficiency gas boilers. The scheme achieves a code 5 rating in respect of water management. The statement claims that the provision of private amenity space for the apartments is not achievable, but is for the houses.

### 1.4 HISTORY

The application site has a long-standing use as a dairy site, but has been vacant for many years. There have been four pre-application enquiries for the site all for housing developments of one form or another - three of which were from the proposed developer, Niche Construction. These involved the submission of draft layouts for the erection of ten houses, provision of 2 bed flats for over 55s and the current proposal. During pre-application, relevant issues were highlighted - highway safety and access, proximity to listed building, drainage, sustainable construction and more detailed design considerations along with potential financial contributions if approval were forthcoming.

## 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

Schools GMS Constraints: Haxby Road Primary 0198

## 2.2 Policies:

CYSP6

Location strategy

CYGP1

Design

CYGP3

Planning against crime

CYGP4A

Sustainability

CYGP6

Contaminated land

CYGP9

Landscaping

CGP15A

Development and Flood Risk

CYHE2

Development in historic locations

CYHE4

Listed Buildings

CYH1

Housing Allocations

CYH2A

Affordable Housing

CYH3C

Mix of Dwellings on Housing Site

CYH4A

Housing Windfalls

CYH5A

Residential Density

CYNE6  
Species protected by law

CYNE7  
Habitat protection and creation

CYT4  
Cycle parking standards

CYL1C  
Provision of New Open Space in Development

### **3.0 CONSULTATIONS**

#### **3.1 PUBLICITY**

The application has been advertised by way of letters to internal and external consultees and local residents and by site and press notices. The consultation period expired on the 2nd June.

#### **3.2 INTERNAL**

##### **3.2.1 Design, Conservation and Sustainable Development**

###### **(i) Countryside Officer**

The former dairy site currently consists of a large main industrial building and long flat roofed extensions to the north west. These flat roof sections will be retained and are outside of the development boundary of this application. The main vacant dairy building that is to be demolished as part of the scheme is brick built from c. 1950/60s and has a thin asbestos sheet roof with roof lights. Although it was not possible to fully inspect the inside of this building during the time of the site visit, some parts were visible through gaps for example between the door shutters and it was noticed that this asbestos roofing is thin, constructed of single sheets with no roof void. This therefore results in a very open, light and draughty area, which provides unsuitable roosting habitat for bats, and there were also a lot of pigeons occupying the building.

There may however be some summer roosting opportunities here for example, between some of the bricks of the bricked up windows, behind wooden boarding, under the asbestos sheets where they overhang the eaves slightly, or between wooden joists. However, does not think that a full bat survey is required for this site, although care should be taken during the demolition phase to ensure that, should any bats take up residence they are fully taken into account and that any impact is minimised. If bats are discovered during the course of the work, then work should cease and Natural England consulted before continuing.

The site is also located within an area which provides good foraging and roosting opportunities for bats, particularly with the Foss to the west of the site, and the old railway line/cycle track immediately adjacent also acts as a good wildlife corridor providing good foraging and commuting habitat. A new community park or 'pocket'

park has also recently being created alongside the cycle track to the rear of the old dairy and at the end of Ashville Street which includes new tree planting and wildflower grassland.

The redevelopment of this site does therefore also present a good opportunity to carry out further habitat enhancement work within this area to benefit bats and other species that use the surrounding area. Such enhancement work should for example include the incorporation of suitable habitat features such as bat tiles, bricks or boxes within the designs of the proposed new dwellings and apartment blocks. This would help to further increase the wildlife value of the area and would also ensure that any bat habitat features potentially lost due to the demolition of the existing industrial building are made available within the new dwellings. This issue can be covered by a suitable condition attached to any consent given.

#### (ii) Sustainability Projects Officer

City of York Council's Interim Planning Statement (IPS) on Sustainable Design and Construction sets out minimum standards for residential developments of 1 dwelling unit and above. Achieving a Code for Sustainable Homes (CSH) Level 3 rating or better is required for a development of this size. Satisfied from the submitted information, that a CSH Level 3 rating will be achieved. However, to ensure at least a CSH Level 3 rating is achieved would expect to see the Post Construction Assessment and Certificate prior to occupation documenting a Level 3 rating or better. Suggests a condition.

Notes from the CSH assessment matrices submitted for both the proposed houses and apartments, that no credits are to be achieved through the delivery of Low or Zero Carbon Technology. The IPS requires 10 per cent of the energy demand of the development to be provided for through on site renewable generation for heat and/or electricity. A gas multislave heat exchanger does not satisfy this requirement. Would expect to see information submitted setting out the proposed renewable energy technology for the development and calculations documenting how the technology will deliver 10 per cent of the developments energy demand. An additional minimum standard of the IPS is for the Sustainability Statement to contain an evaluation of rainwater harvesting and grey water systems. Currently this information is missing from the submitted information.

It is commendable that the developer is proposing to provide facilities for recycling of waste both internal/external to the dwellings. Please note that for the houses external space must be provided to allow for the accommodation of 2 180 litre wheeled bins, 2 recycling boxes and 2 recycling bags. For the apartments external space should be provided per dwelling for 1 180 litre bin, 1 55 litre recycling box and 2 recycling bags.

#### (iii) Landscape Architect

None of the trees that are within the White Cross Court site but either line the entrance drive or are adjacent to the rear gardens of units E and F should be affected by the development provided there are no excavations for a boundary wall.

The large cherry adjacent to the north east corner of the apartment block should not be damaged by construction.

The main public elevation is that facing the disused railway line, now a cycle track (route 66 Foss islands Route). This green corridor has been identified as an important part of the city's green infrastructure. The stretch adjacent to the site is relatively broad and has been recently managed to form a community garden and wildlife area. The space is overlooked by the end properties on Ashville and Oakville Streets and these terraced houses have a beneficial visual relationship that reinforces the quality of the space. The existing warehouse steps down in height, such that it is of a complimentary scale on the opposite side. Its mass contributes to the space forming quality of the surrounding buildings by way of its location directly adjacent to the footpath, with windows set within the elevation. It is important that the development reflects this intimate scale.

It is important that the proposed apartment block directly address this space and that the quality of architecture and external/perimeter treatment should contribute to the character of it (with security measures designed in), including a landscape margin presented to the public arena or by way of setting the apartment a lot further back from the boundary to enable the creation of semi-private garden space. 1.8m high solid timber fence is inappropriate.

The site forms part of the important sequence of views along the cycle track of the listed old Nestle factory.

The apartment block has no private or communal amenity space within the site and extremely limited opportunities for planting to soften the architecture and courtyard. The apartments overlook a parking courtyard and the other properties and the aspect is particularly poor for all of the ground floor flats, which on one side are located directly adjacent to the car park and pavement and on the other the windows are only 1m from the face of 1.8m high timber fencing. Some amenity space ought to be provided for the apartments, within the site, whilst creating a better relationship with the open space associated with the cycle track.

The proposed hard and soft landscaping plan suggests a number of suitable tree locations. Due to the limited areas of planting and the standard architectural approach, it is important to achieve as much attractive planting as possible to the front of properties; to this end there should be more planting and less grass.

In summary, both the relationship with the cycle path and outdoor amenity space for apartments should be improved.

#### (iv) Conservation Officer

The development site lies within the Haxby Road Primary School, a grade II listed building, designed by Brierley and constructed in 1903-4. The development site lies outwith the Nestle/Rowntree Factory Conservation Area boundary to the north.

The development site is located to the east of Haxby Road Primary School. The school playground, situated to the rear of the school building, is enclosed by a brick

boundary wall that incorporates a series of single storey outbuildings along the boundary. The dairy building is visible from the playground over the 1.9 m high section of boundary wall. The single storey outbuildings present frame views over this section of boundary wall. The existing dairy building terminates the view from the playground to the east.

It is proposed to demolish the existing dairy building and develop the site for 9 no. apartments and 8 no. semi-detached dwelling houses. Two semi-detached dwelling houses are proposed adjacent to the 1.9m high section of brick boundary wall that encloses the playground, ref. 3/D and 4/C.

The proposed L-shaped building has a ridge height of 7.4 m and is orientated with a section of the two storey building located within close proximity of the boundary wall of the playground. The building is likely to dominate views to the east from the playground and Listed Building over the 1.9 m high section of boundary wall. The location, scale and mass of the proposed building ref. 3/D and 4/C is likely to have a negative visual impact on the setting of the Listed Building or designated heritage asset.

The semi detached dwelling houses ref. 3/D and 4/C should be relocated within the development site so that the building is not within such close proximity of the boundary wall and does not detract from the Listed Building and playground adjacent.

### 3.2.2 City Development

The principle of housing development at this site is established through the allocation of the site under Policy H1. Issues to consider: acceptability of mix, impact of layout and design on listed Haxby Road Primary School, implications for education and public open space facilities. Subject to colleagues being satisfied with design, layout and sustainability there is no policy objection. Negotiations regarding contributions towards community facilities and open space through a Section 106 agreement. It is noted that the application proposes 100% affordable housing, which is strongly supported in planning policy terms.

### 3.2.3 Housing Services

Discussions have taken place with the applicant during the preparation of the application and it is very welcome and strongly supported. The proposal will provide much needed housing for social rent for families and households that are in need of housing and are registered with the Council. The site would fall into the 50% target as the application proposes more dwellings than the threshold of 15.

The site is allocated for housing in the Local Plan and in the LDF proposals. The homes will be designed and built to modern and exacting standards of the Homes and Communities Agency and will be at Eco Homes Level 4. They will be designed and built to Lifetime Homes standard and with Secure by Design requirements taken onboard.

Housing services fully and strongly supports this application.

#### 3.2.4 Environmental Protection Unit

No objections. A desk based contaminated land survey has been carried out along with a partial site investigation. These have identified several potentially contaminating sources, including an underground fuel tank on the other side of the site boundary, an above ground fuel tank within the site, asbestos roofing materials and materials in the railway embankment to the northern boundary.

The site investigation concludes that further sampling will be necessary. In addition the gas sampling regime is incomplete. request conditions to cover this aspect.

The site is adjacent to some small business/industrial units. However, the noise environment is very quiet. Standard double-glazing units will therefore be adequate.

Much of the roofing on the current buildings is of a corrugated cement/asbestos type, which must be disposed of to a licensed disposal site. However it is also important that any further site investigation, samples for asbestos fibres after demolition of the buildings.

Suggests that if piling is to be used for the foundations, that a condition be attached to deal with noise and vibration that could affect occupiers of the nearby elderly residents accommodation, other local residents, and users of the primary school.

#### 3.2.5 York Consultancy (Drainage)

The development is in low risk Flood Zone 1 and should not suffer from river flooding. Unfortunately, Engineering Consultancy objects to the proposed development, on the grounds that insufficient information has been provided by the Developer to determine the potential impact the proposals may have on the existing drainage systems.

In response to further details from the agent, the document does not provide evidence that the site can be adequately drained and therefore drainage cannot be conditioned.

#### 3.2.6 Lifelong, Learning and Culture

As there is no on site open space, commuted sums should be paid to the Council for amenity open space, play space and sports pitches.

#### 3.2.7 Adults, Children and Education (Education)

No education contribution will be required for this development.

### 3.3 EXTERNAL

#### 3.3.1 Yorkshire Water



A water supply can be provided. Request conditions in order to protect the local aquatic environment and Yorkshire Water infrastructure.

### 3.3.2 North Yorkshire Police - Architectural Liaison Officer

Analysis shows that the proposed development is in a high risk area in respect of crime and disorder.

Recommends that perimeter fencing alongside the cycle track and the northern perimeter, should be 2.4m not 1.8m due to location in vulnerable area alongside cycle track. Use of paladin plastic coated weld mesh security fencing would be less intrusive measure and provide better surveillance of cycle track and reduce fear of crime.

The gated access to and from the cycle track needs to be lockable; otherwise this new development will suffer from high levels of crime, particularly vehicle crime and anti-social behaviour. Any gate should be self-closing, have no footholds, the same height as the recommended perimeter fencing and ideally a digital access control lock or electric magnetic lock fitted.

Secured by Design advises against the creation of windowless elevations and blank walls adjacent to publicly accessible space - the apartment block has two blank gables and one of these is directly alongside the cycle path. There should be a buffer zone created between this gable and the path to avoid inappropriate behaviour and windows at first floor level.

Raises concern about the 3 purpose made security cycle storage box units on the other blank gable of the block, which will not be directly overlooked, will not encourage cycle use and could be open to theft and damage. Passageway by apartment block should be fitted with lockable gates 1.8m high. Access control system should be provided to the apartment block main entrance. Parking bay P9 would not be visible by the resident user, which Secured by Design advises against.

Side and rear gardens should have robust defensive barriers to a minimum height of 1.8m, not 1.2m as shown. This creates a security risk and lack of privacy. Side gates should also be 1.8m high and should be located on or as near the front building line as possible. They are shown to be at rear building line and 1.2m high.

Appropriate lighting around the site to BS 5489 should be carefully designed to cover potential high risk areas. No trees or shrubs should be planted which would obstruct car park and street lighting.

The design and layout of this development would not achieve or meet the required standards of security for the Secured by Design award scheme. It does not comply with PPS1. Crime and disorder implications need to be addressed by the developer.

In response to revisions to address his concerns, comments that there are still 'designing out crime' problems with the design and layout of this development. These relate to fencing on boundary with cycle track, type of cycle storage, natural

surveillance of parking bay P9, intermediate fencing between dwellings and windowless gables.

### 3.3.3 Clifton Ward Planning Panel

Does not wish to object to the construction of housing on the former cooperative dairy site. However, it is aware of the strong reservations expressed by members of the public about the implications for traffic and parking in the White Cross Road area. It also notes the security points raised by the police architectural liaison officer. It hopes that all these issues will be addressed fully during the consideration of this planning application.

After listening to the concerns of local residents. There is no doubt of the strength of their feeling about the inappropriate nature of the design of the scheme with respect to the type and layout of the proposed housing units. In addition there are grave concerns about the increase in traffic and the safety of children going to the local school, access to the site, safety and security, and the poor integration with the existing housing stock in the immediate vicinity. Whilst we reaffirm support for a housing development on this site, the present proposal needs to be withdrawn and reconsidered in light of these concerns of local residents.

### 3.3.4 Responses from local residents

There have been 40 submissions to the application from residents of the local community, raising the following points:

- Impact on those adjacent to the site due to overlooking, loss of privacy, reduction in sunlight and a visually overbearing effect;
- Loss of car parking spaces on White Cross Road forming part of Respark scheme R28 that is already inadequate to serve street given number of multi-occupancy properties;
- Increase in traffic flow along White Cross Road and traffic congestion around junction with Haxby Road, making the area highly unsafe;
- The needed adopted access road must comply with minimum standards for carriageway widths with safe access for pedestrians;
- No consideration has been given to access for emergency vehicles;
- Low cost social housing introduces a diverse element to the area to the detriment of neighbours' amenity and erode property value;
- Concentration of exclusively low cost social housing in an area of owner-occupied properties will create an enclave that will not promote social cohesion within the community;
- New access to Sustrans Cycle track would act as catalyst for crime and would be a further weak link in security of the area as who would manage;
- Site is in an area of high risk of crime and disorder and scheme does not meet with required standards of Secured by Design or requirements of NY Police;
- The location, design and access to the development pose a risk of increase in crime;
- Lack of community involvement in development of site;

- Sufficient consideration has not been given to drainage and sewerage and the potential impact on surrounding properties;
- The design is inappropriate in its context and will not improve the quality and character of the area and the way it functions;
- Highlights contradictions between requirements of Landscape Architect and NY Police;
- Highlights errors and inconsistencies in documentation;
- Three-storey development will overlook the adjacent school creating security risk for children and an old people's hospital;
- Impact on Huntington Mews area, which is not permit parking, and as such a major issue;
- No provision in development for households with more than one car;
- The provision of 2.4m high perimeter fencing as requested by Police, will add to enclave-like nature of the site;
- Scheme is ill conceived and poorly researched;
- Three-storey building is inappropriate and totally out of keeping;
- Support more affordable housing, but object to Whitecross Road being the access;

## **4.0 APPRAISAL**

### **4.1 KEY ISSUES:**

The main considerations as part of this proposal are:

- principle of residential redevelopment;
- affordable provision;
- design and visual amenity;
- crime;
- sustainability;
- impact on heritage asset;
- affect on residential amenity;
- access, parking and highway safety;
- flood risk and drainage;
- contamination;
- ecology and trees;
- affect on local facilities.

### **4.2 POLICY CONTEXT**

Relevant Central Government guidance is contained in the following documents:

Planning Policy Statement 1: Delivering Sustainable Development (PPS1) places sustainable development as the core principle underpinning planning. It seeks a spatial planning approach with high quality development through good and inclusive design and the efficient use of resources. It considers that design, which is inappropriate in its context and fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. The PPS is supported by various good practice guides, including safer places - the Planning System and Crime Prevention and By Design - better places to live.

Planning Policy Statement 3: Housing (PPS3) was re-issued in June 2010 to accommodate two main changes. The change relevant to this application is the deletion of a national indicative density of 30 dwellings per hectare. The objectives of the document remain the same. That is, to make effective and efficient use of land and achieve high quality mixed housing that is suitably located. With regards affordable housing it confirms the commitment to the provision of high quality housing for people who are unable to access or afford market housing as well as helping people make the step from social-rented housing to home ownership.

Planning Policy Statement 5: Planning for the Historic Environment (PPS5) aims to conserve the historic environment and its heritage assets.

Planning Policy Statement 25: Development and Flood Risk (PPS25) aims to avoid inappropriate development in areas at risk of flooding and direct development away from areas at highest risk. It sets out a risk-based approach with the submission of flood risk assessments and a sequential approach for determining site suitability.

Local planning policies contained in City of York Draft Local Plan (incorporating 4th set of changes), which has been adopted for Development Control purposes, are outlined in section 2.2 and are material to the consideration of this application.

#### 4.3 PRINCIPLE OF RESIDENTIAL REDEVELOPMENT

The application relates to the redevelopment of a former dairy site that constitutes previously developed land and is located in a mixed use area within the urban boundaries of the City. It is in a sustainable location, close to public transport routes, the City's cycle network and local facilities, including schools, shops and hospitals.

The site has been allocated in the City of York Draft Local Plan and identified on the accompanying proposals map as a potential housing site. Table 7.2 of Policy H1 of the Plan lists the site as H1.49 and gives an estimated site capacity of 10 dwellings, representing a density of 33 dwellings per hectare. No affordable housing target is specified due to the estimated site capacity being below the relevant threshold of 15 dwellings.

In light of the above, the redevelopment of this site for residential use is considered to be acceptable in principle.

#### 4.4 AFFORDABLE PROVISION

The application has been submitted by Yorkshire Housing Limited and proposes 100% affordable provision, with a mix of 8 no. two and three bedroomed houses (in four semi-detached pairs) and 9 no. two bedroomed apartments (in one block). It is intended that ten of the units be for social rent and seven be made available for discounted sale. The provision of a development that helps to meet the needs of the City's housing demand is welcomed, though this needs to be balanced against the other planning considerations.

#### 4.5 DESIGN AND VISUAL AMENITY

The density of development on the site would be 60 dwellings per hectare. Recent changes to PPS3 have removed the blanket minimum density requirement of 30 dwellings per hectare. Instead, it is for individual to determine appropriate densities for particular sites and to set out a range of densities for the plan area. The Draft Local Plan sets out three such levels for its plan area, with development aiming to achieve a density greater than 60 dwellings per hectare in the city centre, 40 dwellings per hectare in urban areas and 30 dwellings per hectare elsewhere in York (Policy H5a). The requirement for this site would be a density greater than 40 dwellings per hectare, which it exceeds.

Policy H5a also requires the scale and design of development to be compatible with the surrounding area. The area is mixed, but the housing within it is largely characterised by high density traditional terrace rows of properties, with townhouses and apartments of 2.5 to 3 storeys in the more recent development to the south on the former hospital site. Therefore, the higher density of the development itself is not considered to constitute a reason for refusal.

The mix of properties within the scheme, in terms of type and tenure, is considered to be acceptable.

The simple design philosophy of the buildings is considered to be appropriate, rather than trying to replicate the historic and traditional buildings in the area with a 'pastiche' approach. However, it results in the three storey apartment building presenting a more dominant and overbearing facade to the cycle track than the existing warehouse, which has a more intimate appearance and relationship due to the step down in its height, lower height than the proposed block and single row of windows. The set back of 1.1m of the apartment building from the site boundary with the cycle track and the reduction in length of the building to the existing building, is somewhat negated by the height and number of stories, highlighted by the windows. The proximity to the cycle track requires a high security fence to be erected, which further impacts on the environment of the cycle track and community garden beyond.

The scheme would appear crammed into the site, with large areas of hard surfacing and little opportunity for any meaningful soft landscaping in public areas. As a result of the extent of roadway and car parking to serve the number of units proposed, there remains no useful amenity space for use by the residents of the apartment block. The houses do at least have some private amenity space at the rear of the properties, though these are small, particularly that of dwelling 3/D. This sense of overdevelopment would be visible from outside the site from the proximity of the buildings to site boundaries with hard boundary features, lack of landscaping and extent of hard surfacing.

The Police Architectural Liaison Officer (PALO) considers that there continue to be 'designing out crime' issues with the design and layout of the scheme. This is largely in terms of the boundary enclosure to the cycle track, the adequacy of cycle parking provision, windowless gables that do not allow natural surveillance of vehicle parking space P9 and intermediate fencing. The boundary enclosures cycle parking and intermediate fencing could be addressed through condition. The lack of natural surveillance from the apartment block to parking bay P9, is countered by that

permitted from the semi-detached dwelling house. Although not an ideal situation, it is not considered that the remaining concerns for the PALO are sufficient to justify refusal.

#### 4.6 SUSTAINABILITY

As stated above, the redevelopment of the site represents the efficient use of previously development land that is in a sustainable location, close to existing facilities and within easy access of public transport and cycle routes.

The application would achieve as a minimum Code for Sustainable Homes Level 3, as required by the City of York Council's Interim Planning Statement on Sustainable Design and Construction (IPS). It proposes a gas multislave heat exchanger with high efficiency gas boilers, which does not satisfy the requirements for 10% energy demand through on site renewable generation for heat and/or electricity required by the IPS. There is no information about sustainable urban drainage systems. These latter two elements could be addressed by the imposition of conditions.

Recycling facilities are shown for each property, with an enclosed area to serve the apartments.

#### 4.7 IMPACT ON HERITAGE ASSET

The site does not fall within or immediately adjacent to a designated conservation area. The adjacent Brierly designed primary school, however, is grade II listed. The brick wall around the school's playground and outbuildings built within it, contribute to the setting and special interest of this heritage asset. One of the semi-detached pairs of houses is to be positioned just over 1.1 metres from the boundary wall and would have a ridge height of 7.4m. It would be likely to dominate views to the east from the playground and listed building over the 1.9m high section of boundary wall. As such, it is considered that the location, scale and mass of the proposed semi-pair would have a negative visual impact on the setting of the designated heritage asset.

The Council's Conservation Officer advises that this building be relocated further into the site so that it is not in such close proximity to the boundary wall. However, given the tight nature of the site and the proposed extent of development, there is little room to be able to satisfactorily achieve this.

#### 4.8 AFFECT ON RESIDENTIAL AMENITY

The main residential properties outside the site affected by the development would be the houses to the east on Ashville and Oakville Street, in terms of potential overdominance, overlooking and overshadowing, and White Cross Road, in terms of disturbance from additional traffic movements.

Those on Ashville and Oakville Street are located at a distance of approximately 20 metres from the three storey apartment block. The cycle track and community garden would separate them. Furthermore, the houses do not directly face the site, being angled to face the south and the rooms in the apartment block would largely be bedrooms and bathrooms. Whilst the apartment block would be visible from the

properties and their residents may experience a feeling of being overlooked, it is considered that any potential harm would not significantly erode the amenity that the residents could reasonably expect to enjoy in a high density urban area. The apartment block may result in additional casting of shadows in comparison to the industrial building, though this is unlikely to affect these houses, due to the intervening separation distance.

Whilst the properties on White Cross Road would not themselves be affected directly from the proposed buildings, there would be an indirect impact from traffic movements along the street associated with the development. White Cross Road is a busy road with vehicles able to park on both sides and using it to access the NHS staff car park as well as those accessing the 37 properties themselves. The end-terrace adjacent to the site entrance, no.37, is in commercial use as offices, whose staff park on the access road to the site. Residents claim that vehicles with passengers utilising the local services on Haxby Road drive along it to park or turn. Whilst the concerns of local residents are acknowledged, it is unlikely that the additional traffic generated by the development would cause any further harm to their amenity than potential reuse of the site for a different employment use.

The semi-detached pair 3/D and 4/C, sited adjacent to the site boundary with the school, would introduce overlooking of the school and its playground that currently does not exist. The separation distance would only be at its least 1.5 metres from the nearest first floor window to the boundary, though the upper floors would only be bedrooms and not main living rooms. The NHS building would be at a distance of 19 metres to the south of the apartment block with car parking between. The hospital building does not provide overnight accommodation for patients. Whilst the apartment building would tower over the single storey hospital building, there would be negligible harm to its users.

In terms of the amenity for future residents of the site itself, there are two main issues. Firstly, the living conditions of the future occupants of the proposed apartment block due to the lack of any useable amenity space and the impact of the proximity of the windows to the cycle track. Secondly, the impact on the amenity of the future residents of the houses that back onto the employment site to the north of the site. Significant changes to the size and position of buildings would have to be made to allow for these matters to be addressed. On the second matter, the noise environment is relatively quiet and the amenity of future residents could be addressed through suitable double glazing units. The houses have a separation distance of 6 metres and an adequate boundary enclosure could be provided.

If approved, a condition restricting hours of construction should be attached to protect the amenity of surrounding residents.

#### 4.9 HIGHWAY CONSIDERATIONS

As stated, access to the site would be via the existing driveway from White Cross Road. It would involve changes to its junction with White Cross Road, involving the reduction in the length of the Respark bays on both sides of the street to achieve safe conditions at the access junction. It is understood that this Respark zone is already under pressure. Revisions to the scheme to address concerns of the Local

Highway Authority have been made, notably increasing visitor parking, widening of cycle link pathway to cycle track. However, no changes have been made to the basic design as regards the general road layout, which leaves the access road with restricted access and no dedicated or segregated pedestrian facilities within the site. Therefore, despite the submission of a site safety assessment to support the application, the Local Highway Authority recommends refusal on highway safety grounds. There are no objections to the gated access from the site to the cycle track. Further details of the cycle parking facilities, along with other highway conditions would need to be attached if planning permission is granted.

#### 4.10 FLOOD RISK AND DRAINAGE

The site lies in Flood Zone 1 and should not therefore suffer from river flooding. The application states that surface water from the development would be discharged either into the mains drains for highway elements of the scheme or soakaways for the houses. The redevelopment of the site would represent a reduction, albeit small, in the extent of hardsurfacing of the site. However, the Council's Drainage Engineer considers that insufficient information has been submitted to determine the potential impact the proposals may have on the existing drainage systems, and considers that this is not a matter that can be suitably addressed by condition.

#### 4.11 CONTAMINATION

The Council's Contamination Officer has considered the proposal due to the long standing employment use of the site and requests that suitable conditions be attached to any approval.

#### 4.12 ECOLOGY

Whilst there are no trees on site, there are trees in the adjacent NHS site that are close to the site boundary. The Council's Landscape Architect has confirmed that these should not be adversely affected by the proposal. As the existing building may provide some summer roosting opportunities and the site is located within an area that provides good foraging and roosting opportunities, it is considered reasonable to require the development to provide habitat enhancement measures within the proposal.

#### 4.13 AFFECT ON LOCAL FACILITIES

The site is within easy access of existing facilities in the area, including a school, shops, health services. There is no requirement for a financial contribution towards education facilities in the area. As there is no public open space provided on site, it is recommended that a condition be attached that requires alternative provision either elsewhere or a commuted sum to be paid in lieu of such provision. The applicant has agreed to the payment of the relevant amount.

### 5.0 CONCLUSION



5.1 The redevelopment of the site for residential purposes is acceptable in principle, as the site constitutes previously developed land in a sustainable location within the urban area and with 100% affordable provision that achieves Code for Sustainable Homes level 3. Weight should also be given to the allocation of the site in the City of York Draft Local Plan as a suitable housing site though with an estimated capacity of ten dwellings.

5.2 However, the proposal that has been submitted continues to raise concerns on the grounds of highway safety, impact on the setting of the grade II listed building and impact on amenity of future residents from the lack of any usable amenity space. Whilst the principle of the scheme may be acceptable and the level of affordable provision encouraged, this should not be at the expense of a suitable scheme for the site.

5.3 Therefore, on balance, the proposal is reluctantly recommended for refusal.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION: Refuse**

1 The proposed development, due to the lack of dedicated pedestrian facilities within the site and restricted width along the site access road, particularly along the initial stretch adjacent to the junction with White Cross Road, is likely to create conditions that would harm highway safety.

2 The proposed development, due to the scale, mass and location of the proposed semi-detached pair of houses 3/D and 4/C in close to the site boundary with the Grade II listed Haxby Road Primary School, would have a negative visual impact on the setting of this designated heritage asset. This would be contrary to national planning advice in Planning Policy Statement 5: Planning for the Historic Environment and Policies HE2 and HE4 of the City of York Draft Local Plan.

3 The proposed development, due to the lack of any meaningful and useable amenity space to serve the apartment block or an adequate buffer distance between the block and the site boundary with the adjacent cycle track, would result in potential harm to the living conditions of future occupants of this building. As such, it would fail to provide a high quality scheme for people who are unable to access or afford market housing, contrary to the aims of Planning Policy Statement 1: Delivering Sustainable Development and Planning Policy Statement 3: Housing.

4 The proposal, due to its density, scale and layout, would result in the impression that the site has been overdeveloped, with buildings appearing dominant due to their position close to site boundaries, large areas of hard surfacing from the access road and vehicle parking areas with little opportunity for soft landscaping. This would be to the detriment of the visual amenity of the area. The proposed development therefore fails to take the opportunities available for improving the character and quality of an area and the way it functions, contrary to advice in

Planning Policy Statement 1: Delivering Sustainable Development.

5 Insufficient information has been submitted to determine the potential impact the proposals may have on the existing drainage systems, with particular reference to surface water disposal, nor that the site can be adequately drained, contrary to the aims of Planning Policy Statement 25: Development and Flood Risk.

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