

COMMITTEE REPORT

Date: 6 January 2011 **Ward:** Clifton
Team: Major and Commercial **Parish:** Clifton Planning Panel
Team

Reference: 10/02096/FULM
Application at: Axcent Ltd 156B Haxby Road York YO31 8JN
For: Residential development consisting of 7no. two storey dwellings and 6no. apartments in a three storey building on site of former Co-operative Dairy (resubmission)
By: Yorkshire Housing Limited
Application Type: Major Full Application (13 weeks)
Target Date: 31 January 2011
Recommendation: Approve

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 two semi-detached pairs of two-storey dwelling houses, a terraced row of three two-storey dwelling houses (7 no. in total) and one three-storey block of six flats. One of the houses would be 2-bed and six would be 3-bed. The apartments are all 2-bed units. The apartment block would be located in the south-eastern corner of the site with main elevations facing into the site and the NHS building. The houses would be positioned along the access road and turning head - one semi-pair and the terraced row to the north and one semi-pair to the south of the access road. An amenity space is shown to the north of the apartment block beyond which is a gate in an otherwise enclosed boundary giving access to the cycle track. Access would remain

via the existing driveway from White Cross Road, which would lead to a turning head ending in the amenity space and car parking spaces. The application has been submitted by Yorkshire Housing Limited and is proposed to be 100% affordable.

1.3 APPLICANT'S CASE

The application is supported by a Design and Access Statement, a Combined Planning and Sustainability Statement and Site Investigation documents.

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 50 units per hectare. 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 all units would have photovoltaic panels on their south facing roof slopes. In addition, the use of a Gas Multisave Heat Exchanger along with high efficiency gas boilers is proposed. The scheme achieves a code 5 rating in respect of water management and code 4 in respect of materials. The statement claims that the provision of private amenity space for the apartments is not achievable, but is for the houses.

A Site Safety Audit has also been submitted. This concludes that - The mews style design principle is supported by national guidelines and will not present significant accident risk in a small residential development such as the one proposed.

A Geoenvironmental appraisal was also carried out in November 2009 for the site owners, The Co-op, and has been supplemented with additional related reports.

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.

These discussions resulted in the submission of a planning application (ref: 10/00580/FULM), which was recommended for refusal by officers and subsequently refused by Committee in July 2010 on five grounds including harm to: highway safety, listed building, living conditions of future occupants, visual amenity; along with the lack of insufficient information with regards to surface water disposal.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

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

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 8th December 2010.

3.2 INTERNAL

3.2.1 Design, Conservation and Sustainable Development

(i) Countryside Officer

The existing building has a low potential for supporting bats, due to its thin, single sheet asbestos roof which provides very open and draughty conditions, unsuitable for roosting bats. There could however be some opportunities or potential for roosting by individuals or very small numbers, but no evidence was seen at the time to suggest any recent use. For this reason it is not considered that a bat survey is required as part of this application, although care should still be taken during the demolition in order to minimise any potential impacts should any bats be present. The redevelopment of the site does also present a good opportunity for carrying out habitat enhancement work to benefit a range of species known to use the area. Condition requested.

(li) 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. Views over this section of boundary wall are framed by the single storey outbuildings present. The existing dairy building terminates the view from the playground to the east.

The re-submitted application indicates a terrace of three, two storey houses, adjacent to the 1.9m high section of brick boundary wall that encloses the school playground. These would be stepped back from the boundary wall. The gable end of the terraced block lies approx. 3m from the rear of the playground shelter at the closest point to the boundary. Due to the siting and orientation of the proposed terraced block of dwelling houses, the end gable of the building is likely to be less visually intrusive on the setting of the adjacent Listed Building than the previous proposals. Although the end gable and mass of the terraced block of houses will be visible from the adjacent playground, due to the set back of the gable of between approx. 3m and 7.4m, this building is unlikely to dominate views from the adjacent Listed Building or the setting of the designated heritage asset.

The proposed semi-detached two storey dwelling houses, 1/E and 2/F, are situated approx. 9.9m from the boundary of the school playground and will be partially obscured from view from the school playground by the existing outbuilding or playground shelter. It is unlikely that the location of the semi-detached dwelling houses will dominate views from adjacent Listed Building or the setting of the designated heritage asset from within the school playground.

(iii) Landscape Architect - The scheme is an improvement on the previous application for the following reasons. Some amenity space is provided for the apartment building. This amenity space provides an openness and greenery that can be appreciated from the adjacent community garden and cycle route. The proposed paladin fencing is more transparent than the previously specified close-boarded timber fencing. Whilst unit 6/7 and the apartment block does not directly address the adjacent space, one will see the fenestrated building elevations as one travels along the path.

The rear of the apartment block is somewhat too close to the southeast boundary, but these are double fronted apartments with the main living quarters affording the more open aspect. The amenity for the apartment block is still limited in that its frontage is largely made up of storage, road, and parking.

In summary the relationship with the adjacent space/cycle path is improved.

3.2.2 Highway Network Management

The proposals are to develop the site for 13 dwellings with access provided via the existing access onto White Cross Road.

The site and access has a historic use with commercial buildings currently on the site. These buildings will have historically generated certain levels of traffic, including HGV movements and could continue to do so under the sites lawful planning use.

Whilst it is accepted that the access is restrictive in terms of modern arrangements when developing clean sites, it is considered that a suitable arrangement can be designed and constructed which caters for two-way traffic and servicing arrangements (refuse vehicles). An Independent Site Safety Assessment has been provided in support of the application and this report identifies potential issues with the use of the access against guidance and standards. The report concludes that there are no technical safety reasons why the access road cannot be designed to accommodate a safe means of access to the residential development proposed.

The level of proposed development will result in very low vehicular and traffic movements (in the region of 8 vehicle movements in the peak hours which equates to less than 1 vehicle every 10 minutes) Given the low flows officers consider that the potential for conflict between pedestrians and vehicles is very low.

The access road is to be designed to adoptable standards and offered for adoption. The design will be informal, in the form of a shared surface route, and will seek to reduce vehicle speeds to well below 20mph. Vehicular swept paths for refuse vehicles have demonstrated that such vehicles can successfully traverse the site and enter/exit in a forward gear.

Car and cycle parking has been provided in accordance with the relevant CYC Annex E standards and will be secured through appropriately worded conditions. The site falls outside of the adjacent residents parking scheme and as such future residents would not be eligible to apply for permits. Any proposals to incorporate the site within the scheme would be resisted so as to not place further pressure on existing residents.

In order to improve the access arrangements it may be necessary to reduce the number of on-street res-park bays. This process is separate to the planning process. The removal of a few (potentially 2 or 3 bays) is not considered to result in a detrimental impact on the existing res-park scheme and as such officers raise no objections.

3.2.3 Environmental Protection Unit

No objections. A desk study and initial site investigation report have been submitted, though more work is to be done investigating the remaining areas of the site currently occupied by the old dairy buildings. Happy with the results of the gas sampling and associated recommendations to date. The site investigation has identified several potentially contaminating sources and further sampling will be necessary. Conditions are requested.

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.

Conditions recommended regarding contamination and piling with informative about Control of Pollution Act.

3.2.4 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.

Further information required about existing surface water system, site levels and suitability of soakaways.

3.2.5 Housing Services

This application is submitted by Yorkshire Housing Ltd, a Registered Provider (RP) that is part of the Council's York Housing Partnership Agreement. The application is for 13 affordable dwellings for social rent. This applications states that 100% of the dwellings are to be for social rent. The comments are made on that basis

As such the proposal will provide much needed housing for families and households that are in need of affordable housing. The 2007 Strategic Housing Market Assessment clearly illustrates the affordable housing crisis in York, with a need for 1,218 new affordable homes per annum and over 3,000 households on the Council waiting list. This development would be a valuable contribution towards addressing that need.

The homes will be designed and built to the high quality and space standards required by the Homes and Communities Agency (HCA) and will meet Code for Sustainable Homes Level 4 - significantly higher than the level required in the Council's planning policies for new homes. They will also be designed and built to Lifetime Homes standard and Secure by Design requirements.

The site is one that is allocated for housing in the Local Plan (4th set of amendments) and in the LDF proposals.

Housing Services fully supports this application, with the suggested condition and / or S106 agreement that the homes can only be used for affordable housing for social rent in perpetuity unless otherwise agreed with the Planning Authority.

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. The development should take place within separate systems for foul and surface water drainage. The local public sewer network does not capacity to accept any additional discharge of surface water from the proposal site. SUDS or alternative watercourse should be investigated. Curtilage surface water may discharge to the public combined sewer providing on like-for-like basis with minimum 30% reduction to take account of climate change.

3.3.2 North Yorkshire Police - Architectural Liaison Officer

This resubmission has addressed concerns expressed to previous application. The drawings show a more secure and safer environment. There are areas of clearly defined 'defensible space', secure perimeters and boundaries and the provision of a controlled gate onto the Sustrans cycle track. Secure cycle storage units have been moved to a position where they will be afforded better levels of surveillance from owners. The combined Planning and Sustainability Statement states that the developer is committed to achieving compliance with Secured by Design. This development now fully complies with the advice contained within Planning Policy Statement 1, e.g. 'new development should create a safe and accessible environment where crime and disorder or fear of crime does not undermine quality of life or community cohesion'.

3.3.3 Clifton Ward Planning Panel

It is noted that the new proposal has taken note of the reasons for the rejection of the previous scheme especially points 2, 3 and 4. On this basis we would normally have no objection to the resubmitted proposal.

However, we remain to be convinced that the resubmitted scheme has dealt with a major part of the first reason for refusal of the original scheme, namely the safety of the site access road, especially adjacent to the junction with White Cross Road. Combining the two narrow pavements as shown in the original proposal into one of the same overall width does not meet the strongly felt concerns of the residents. Nor does it appear to satisfactorily address the concern for highway safety at the junction with White Cross Road.

We also note that there is still a grave concern about the drainage and removal of surface water such that the York Consultancy objects.

We are also aware of the strength of feeling from the local residents in White Cross Road about the loss of parking spaces to improve vehicular access to the site. This was part of their objection to the original scheme but was not included in the reasons for refusal and hence does not appear to have been addressed.

3.3.4 Responses from local residents

There have been 58 submissions to the application from residents of the local community, raising the following objections:

- Removal of four parking spaces from oversubscribed Respark scheme R28, resulting in undue pressure on the scheme in neighbouring streets;
- Increased traffic along White Cross Road, putting pressure on already seriously congested junction with Haxby Road;
- Development will not promote community cohesion and will create effective enclave isolated from the neighbouring community by high fencing and inadequate access;
- Site access is unsafe as it is not wide enough to accommodate pedestrians, pushchairs, cyclists, wheelchair users and two-way traffic - question whether it will accommodate lighting;
- Access to cycle track is weak link in the security of the area;
- Inadequate public consultation by developer;
- Apartment block inappropriate and out of keeping with neighbouring properties and would be overbearing;
- Overshadowing and loss of privacy to house and garden from apartment block;
- Queries about whether access could be taken from Haxby Road via printers or from Huntington Road via White Cross Gardens;
- Number of units yet again exceed estimated maximum of 10 properties in Local Plan;
- If scheme approve, wants compensation for reduced property value and inability to park outside front door.

4.0 APPRAISAL

4.1 KEY ISSUES:

The main considerations as part of this proposal are:

- principle of residential redevelopment;
- affordable provision;
- density and mix of housing;
- 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 with access shown from White Cross Road along the existing lane. 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 HOUSING PROVISION

The application has been submitted by Yorkshire Housing Limited and proposes 100% affordable provision, with a mix of 7 no. two and three bedroomed houses (in three groupings) and 6 no. two bedroomed apartments (in one block). 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 DENSITY AND MIX

The density of development on the site would be 50 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 storey 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 property types within the scheme, including flats and apartments of 2 and 3 bedrooms, is considered to be acceptable.

4.6 DESIGN AND VISUAL AMENITY

The main public elevation is that facing the Sustrans 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.

The scheme is considered to be an improvement on that previously refused in terms of its relationship to the cycle track and would open up views through into a semi-private amenity space with the opportunity for soft landscaping as well as of the Grade II listed building beyond. It would be an improvement to the area and would retain a degree of intimacy between the site and the cycle track. There could be further improvement by some tweaking of the layout to relocate the cycle stores nearer to the apartment building entrance to allow the amenity space to be extended - and further landscaping - up to the boundary with the cycle track.

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, again, improvements could be made to the rear elevation of the apartment block to break up the large expanse of brickwork.

This elevation is the consequence of the reduction in built form adjacent to the cycle track and results in a 23.3m long three storey elevation of 11m in height facing the single storey NHS building to the south. This represents a building of greater height and mass with a continuous roof line compared to the broken up roof line of the warehouse building with three gables, the middle one of which reaches a maximum height of 10.2m. However, the apartment block is shorter in length than the warehouse (23.3m rather than 28m) and would set back 2.6m into the site behind a close boarded fence to be erected on the site boundary. Therefore, whilst the appearance of the building would be significantly different, the impact of the building in views from outside the site and in relation to the NHS building is considered to be acceptable.

The Police Architectural Liaison Officer (PALO) considers that the scheme now proposed meets Secured by Design and the requirements of PPS1 to create safe and accessible environments. The down side of this is that a high fence, 2.4m high along the full length of the boundary of the site with the cycle track, would be created along the boundary with the cycle track and the lack of permeability through the site for non-residents.

4.7 SUSTAINABILITY

As stated above, the redevelopment of the site represents the efficient use of previously developed 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 photo voltaic panels on each building to meet the Council's requirement for on site renewable energy generation, with a more efficient gas system (gas multisave heat exchanger with high efficiency gas boilers) for the remaining energy generation. There is no information about sustainable urban drainage systems. This latter element could be addressed by the imposition of a condition.

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

4.8 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. The nearest building would be located approximately 3m away from the boundary wall with the school and the building set largely behind existing outbuildings within the school grounds. As such, it is considered that the location, scale and mass of the proposed development would not adversely impact on the setting of the designated heritage asset.

4.9 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.

The houses on Ashville and Oakville Street are located at a distance of over 20 metres from the proposed three storey apartment block and would be separated by the cycle track and community garden. Furthermore, these houses and the apartment block would not directly face one another - the houses being angled to face south and the apartment block having a NW-SE orientation - and there are proposed to be no windows in the gable end of the block which faces the cycle track and houses beyond. Whilst the apartment block would be visible from the properties, 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. Any additional casting of shadows outside the site from the apartment block would be reduced given the end on orientation to the cycle track and separation distance to the houses beyond.

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 and the loss of 2 or 3 residents parking spaces (this is addressed further under the Highways section). 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 NHS building would be at a distance of 20 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 be much taller than

the single storey hospital building, there would be negligible harm to its users. Efforts have been made to soften the dominance of the block's elevation by setting it back 2.6m from the site boundary and providing a 1.8m high close boarded timber fence on the boundary.

In terms of the amenity for future residents of the site itself, as mentioned before, the reduced number of units has allowed an increase in the amount of soft landscaping and the inclusion of an area of amenity space around 40sq.m. for use by the future occupiers of the development, most importantly those in the apartments. The houses do have private rear gardens approximately 6m in length. Whilst the majority of the houses on the site would back onto the employment site to the north, 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 also be provided.

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

4.10 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 street to enhance access arrangements, although swept paths have identified that a refuse vehicle could access the site without the loss of a multiple res-park bays.

Officers are aware that this Respark zone is already under pressure and the proposed development would not be included within the scheme. The removal of 2 or 3 spaces will not have a significant impact in the overall supply and demand of spaces within the scheme.

It should be noted that there is currently consideration being given to the removal of one of the 2 or 3 spaces as it is sited across an emergency access to Huntington Mews which will minimise the total number of bays required to be removed for this development.

On balance it must be remembered that the existing access is a lawful access which could attract commercial vehicular traffic.

Some revisions have been made to the scheme since it was last refused and a Site Safety Audit has been submitted to demonstrate that the development would not cause a highway safety risk. There are some further improvements that are to be made internally through the detailed design and adoption process which will significantly reduce the achievable vehicle speeds. The Council's Highway Officers are now satisfied that a suitable scheme is achievable and do not consider that a highways reason for refusal could successfully be sustained. Therefore, the Local Highway Authority raises no objections subject to standard conditions.

4.11 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 hard surfacing of the site. The Council's Drainage Engineer has requested further information in order to clarify that there is existing capacity and that the proposals are acceptable in terms of surface water disposal. As he considers that it is likely that a solution can be found, he confirms that this matter can be addressed through condition. Yorkshire Water raises no objections subject to conditions.

4.12 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.

4.13 ECOLOGY AND TREES

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 previously confirmed that these should not be adversely affected by the proposal - no change has been made to the areas around these trees that would pose a threat to their continued existence. 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.

4.14 EFFECT ON LOCAL FACILITIES

The site is within easy access of existing facilities in the area, including a school, shops, and 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 provision off-site either likely to be via 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 The scheme has addressed the previous reasons for refusal relating to the setting of the grade II listed building and impact on amenity of future residents from

the lack of any usable amenity space. Officers consider that a solution can be found to the surface water discharge from the site sufficient to condition any approval.

5.3 The proposal had again raised concerns on the grounds of highway safety. However the Highway Network Management is now satisfied that the amendments and further information submitted regarding the details of access are sufficient to overcome the objections.

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 PLANS2 Apprvd plans and other submitted details
- 3 HWAY14 Access to be approved, details reqd
- 4 HWAY18 Cycle parking details to be agreed
- 5 HWAY19 Car and cycle parking laid out
- 6 HWAY1 Details roads,footpaths,open spaces req.
- 7 HWAY7 Const of Roads & Footways prior to occup
- 8 HWAY40 Dilapidation survey
- 9 HT1 IN Height
- 10 HWAY41 Safety Audit

11 Unless otherwise agreed in writing by the local planning authority, no building or other obstruction shall be located over or within 3.0 metres either side of the centre line of the sewer, which crosses the site.

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

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

Reason: In the interest of satisfactory and sustainable drainage.

13 The 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, in consultation with the Internal Drainage Board, and carried out in accordance with these approved details.

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

the proper drainage of the site to comply with guidance contained within Planning Policy Statement 25 (Development and Flood Risk).

INFORMATIVE: In accordance with Planning Policy Statement 25 and in agreement with the Environment Agency / City of York Council, peak run-off from brownfield developments shall 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, shall 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 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

14 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 buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

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

15 LAND1 IN New Landscape details

16 Development on Land Affected by Contamination

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts a to c of this condition have been complied with:

a. Site Characterisation

An investigation and risk assessment, in addition to the Geoenvironmental appraisal provided by Sirius Geotechnical & Environmental Ltd, (report C3532, dated November 2009), must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. Specifically, the area currently occupied by old dairy buildings must be investigated after the demolition of the buildings. 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.

b. Submission of Remediation Scheme

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 IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation 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, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

17 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 in accordance with the requirements of the previous condition, 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 in accordance with the previous condition.

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 Any piling operations shall be carried out using the quietest practicable method available. The Council's Environmental Protection Unit and local residents shall be notified of the dates, times, likely duration and works to be undertaken prior to piling taking place.

Reason: To protect the amenity of nearby residents.

19 NOISE7 Restricted hours of construction

20 VISQ8 Samples of exterior materials to be app

21 VISQ4 Boundary details to be supplied

22 Prior to the commencement of any works on the site, a detailed method of

works statement identifying the programming and management of construction works shall be submitted to and approved in writing by the LPA. The statement should include at least the following information:

- the routing for construction traffic that will be promoted;
- a scheme for signing the promoted construction traffic routing;
- where contractors will park;
- where materials will be stored within the site; and
- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

Reason: In the interests of highway safety and amenity of local residents

23 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 demolition, 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.

24 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 sustainable development.

25 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 10% of its predicted energy requirements from on-site renewable sources. 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 shall thereafter be maintained to the required level of generation.

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

26 The development shall not begin until a scheme for the provision of affordable

housing within the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of PPS3 or any future guidance that replaces it. The scheme shall include:

- i. the numbers, type, tenure and location on the site of the affordable housing provision to be made
- ii. the timing of the construction of the affordable housing
- iii. the arrangements for the transfer of the affordable housing to an affordable housing provider[or the management of the affordable housing] (if no RSL involved) ;
- iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To comply with the provisions for affordable housing within PPS3 (Housing) and the Councils' Development Control Local Plan (as amended).

27 No development shall take place until full details of what measures for bat mitigation and conservation are proposed have been submitted to and approved in writing by the Local Planning Authority

The measures shall include:-

- i) A plan of how the demolition work is to be carried out to accommodate the possibility of bats being present
- ii) Details of what provision is to be made in the new buildings to replace the features lost through the demolition of the original structure.
- iii)The timing of all operations

Reason: To take account of and enhance the habitat for protected Species.

7.0 INFORMATIVES:

Contact details:

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