

COMMITTEE REPORT

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

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

1.0 PROPOSAL

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

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

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

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

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

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

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYH1
Housing Allocations

CYGP1
Design

CYGP3
Planning against crime

CYGP9
Landscaping

CYNE1
Trees, woodlands, hedgerows

CYNE7
Habitat protection and creation

CYT2
Cycle pedestrian network

CYT4
Cycle parking standards

CYT7
Promotion of public transport services

CYH2
Affordable housing on housing sites

CYED4
Developer contributions towards Educational facilities

3.0 CONSULTATIONS

3.1 INTERNAL

HIGHWAYS

Cycle Parking Provision

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

Highway Layout

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

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

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

Car Parking

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

Sustainable Travel

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

Conditions

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

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

CITY DEVELOPMENT

Policies:

GP1 (Design)

GP4a (Sustainability)

GP9 (Landscaping)

T4 (Cycle Parking Standards)

L1c (Provision of New Open Space in Development)

Analysis

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

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

This Reserved Matters application deals with the following aspects:

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

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

The following issues should also be considered:

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

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

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

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

Conservation Officer

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

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

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

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

Sustainability Officer

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

Countryside Officer

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

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

Landscape Officer

Summary of main issues as follows:

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

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

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

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

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

Archaeologist

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

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

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

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

ENVIRONMENTAL PROTECTION UNIT

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

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

LIFELONG LEARNING AND LEISURE

Field in southeast corner

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

LAP nearest Tadcaster Road

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

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

Future management

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

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

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

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

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

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

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

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

3.2 EXTERNAL

DRINGHOUSES/WOODTHORPE PLANNING PANEL

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

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

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

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

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

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

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

POLICE ARCHITECTURAL LIAISON OFFICER

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Dringhouses Local History Group

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

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

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

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

St. Leonard's Hospice

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

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

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

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

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

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

4.0 APPRAISAL

4.1 Key Issues

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

CONDITIONS ATTACHED TO THE OUTLINE PLANNING PERMISSION

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

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

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

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

INFORMATIVES ATTACHED TO THE OUTLINE PLANNING PERMISSION

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

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

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

CONTENTS OF THE SECTION 106 AGREEMENT

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

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

POLICY BACKGROUND

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

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

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

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

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

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

DESIGN AND LAYOUT

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

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

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

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

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

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

IMPACT ON ADJACENT OCCUPIERS

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

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

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

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

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

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

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

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

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

PLANNING OUT CRIME

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

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

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

SUSTAINABILITY

4.22 Policy GP4a requires proposals for all development to have regard to the principles of sustainable development, and sets out the criteria by which this will be assessed. The application is accompanied by a Sustainable Construction report which sets out the approach taken to ensure that sustainability and sustainable construction techniques are incorporated into the development. The report incorporates the details of the BREEAM assessment undertaken so far. This indicates a "very good" standard (58 points, 55 being the minimum required), which is considered to be acceptable. However, it is recommended that a condition is imposed requiring the final report to be submitted for approval once the assessment is complete, in order to ensure that the very good standard has been maintained.

TREE LOSS, TREE RETENTION AND LANDSCAPING

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

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

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

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

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

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

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

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

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

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

NATURE CONSERVATION ISSUES

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

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

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

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

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

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

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

AFFORDABLE HOUSING, HOUSING MIX

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

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

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

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

Split by number of bedrooms (including Ashfield House)

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

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

OPEN SPACE PROVISION

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

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

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

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

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

EDUCATION PROVISION

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

DRAINAGE

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

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

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

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

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

ARCHAEOLOGY

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

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

NOISE, VIBRATION, DUST, CONTAMINATION

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

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

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

5.0 CONCLUSION

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

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

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

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

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

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

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

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

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

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

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

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

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

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

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

Scheme for Tree Retention and Protection received on 2 April 2007

Sustainable Construction received 2 April 2007

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

- 3 Details of all means of enclosure to the site boundaries (including details of any features that are to be retained) shall be submitted to and approved in writing by the Local Planning Authority before the development commences, and shall be provided before the development is first occupied.

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

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

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

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

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

- 6 HWAY18 (Cycle parking details to be agreed)

- 7 HWAY19 (Car and cycle parking laid out)

- 8 HWAY27 (Adopted road layout to be agreed)

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

Reason: To prevent obstruction to other highway users.

- 10 HWAY31(No mud on highway during construction)
- 11 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with the approved plans, or arrangements entered into which ensure the same.

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

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

- 12 HWAY40 (Dilapidation survey)
- 13 Prior to the commencement of any works, a detailed method of works statement shall be submitted to and agreed in writing with the Local Planning Authority. This statement shall include the precautions to be taken to ensure the safety of the general public, the method of securing the site and the route to be taken by vehicles transporting the demolition and construction material, and the hours during which this will be permitted.

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

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

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

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

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

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

Reason: In the interests of visual amenity.

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

Reason: To protect the amenity of nearby residents.

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

Reason: In the interests of sustainable development.

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

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

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

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

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

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to:

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

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

2. INFORMATIVE:

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

Consent for highway works

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

3. INFORMATIVE:

You are advised that this proposal may have an affect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

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

- (i) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1:

1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

ii) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

iii) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

iv) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

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

vi) There shall be no bonfires on the site.

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

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

Contact details:

Author: Simon Glazier Assistant Area Team Leader
Tel No: 01904 551351