

## COMMITTEE REPORT

**Date:** 26 July 2012                      **Ward:** Osbaldwick  
**Team:** Major and                      **Parish:** Osbaldwick                      Parish  
                    Commercial Team                      Council

**Reference:** 12/02163/OUTM  
**Application at:** Land Lying To The West Of Metcalfe Lane Osbaldwick York  
**For:** Variation of condition 8 of approved application 03/02709/OUT (Derwenthorpe scheme) to allow 277 dwellings to be accessed from Fifth Avenue, 74 dwellings to be accessed from Meadlands, 125 dwellings to be accessed from Temple Avenue and 64 dwellings to be accessed from Osbaldwick Village  
**By:** Joseph Rowntree Housing Trust  
**Application Type:** Major Outline Application (13 weeks)  
**Target Date:** 23 August 2012  
**Recommendation:** Approve subject to Section 106 Agreement

### 1.0 PROPOSAL

#### SUMMARY

1.1 This application seeks to vary Condition 8 of outline planning permission 03/02709/OUTM to allow a change to the number of dwellings that can be accessed from the access roads as specified in the condition and beyond the 10% tolerance allowed by the condition. The number of dwellings proposed to be accessed from Fifth Avenue would rise from 185 as approved to 277 and for Meadlands and Osbaldwick Village it would decrease from 125 to 74 and 105 to 64 respectively. The application has been publicised and the comments received taken into consideration. The proposed variation is considered to offer benefits to the scheme whilst not causing any significant harm to highway safety, air quality or amenity. As such, it is recommended that the proposed variation to the condition be allowed.

#### SITE HISTORY

1.2 Outline planning permission (ref: 03/02709/OUTM) was granted by the Secretary of State in May 2007 for a residential scheme of approximately 540 dwellings on land to the west of Metcalfe Lane, Osbaldwick. Means of access were approved as part of the outline consent. The general layout of the development, its division into four neighbourhoods each with its own individual vehicular access point, the size of these neighbourhoods and the approximate number of dwellings within each one, were established through an illustrative masterplan and design documents submitted in support of the outline planning application. Transport and air quality assessments were submitted and were based on the proposed illustrative masterplan.

1.3 Condition 8 was attached to the outline approval and specified the number of dwellings within each of the four neighbourhoods that could be accessed from the four access roads. The wording of the condition is as follows:

The site shall be developed in accordance with the revised Application Site Plan, Drawing No. A1418/2.3/04A dated July 2004 and on the basis of the four residential areas identified on that plan, each served by its own vehicular access and the strategic landscaping structure within the site as generally indicated on the Illustrative Green Space Structure Plan Drg No A/1418/2.3/03A dated July 2004. The number of units within each quadrant shall be as outlined in the Supporting Statement and Introduction to the Environmental Statement and as set out below, with a 10% tolerance either way unless otherwise agreed in writing by the Local Planning Authority.

Neighbourhood A - accessed from Fifth Avenue - 185 dwellings

Neighbourhood B - accessed from Meadlands - 125 dwellings

Neighbourhood C - accessed from Temple Avenue - 125 dwellings

Neighbourhood D - accessed from Osbaldwick Village - 105 dwellings

## PROPOSAL

1.4 Joseph Rowntree Housing Trust (JRHT) now proposes to vary this condition to amend the number of dwellings that could be accessed from each vehicular access. The proposed number of dwellings to be accessed from each point is as set out below. This variation exceeds the 10% tolerance built into Condition 8 and, therefore, an application to vary the condition is required. There is no change proposed to the overall number of dwellings within the development, which remains at 540.

Neighbourhood A - accessed from Fifth Avenue - 277 dwellings

Neighbourhood B - accessed from Meadlands - 74 dwellings

Neighbourhood C - accessed from Temple Avenue - 125 dwellings

Neighbourhood D - accessed from Osbaldwick Village - 64 dwellings

1.5 A supporting letter has been submitted with the application by JHRT's agent. It explains that the approved form of the development reflects a fundamental concept of the Derwenthorpe scheme, that is to limit 'through' traffic and only permit buses, emergency vehicles, cyclists and pedestrians from one neighbourhood to another. It cites the design challenges for the scheme as being firstly, providing suitable vehicular access to the 41 dwellings within Neighbourhood D (accessed from Osbaldwick Village) that lie to the north of the Sustrans cycle track, whilst ensuring safe routes for pedestrians and cyclists and controlling extraneous cross-site traffic by private vehicles; secondly, the narrow link between the two areas within Neighbourhood B (Meadlands) created by the inclusion of the Great Crested Newt

habitat; and, thirdly, the required retention of hedgerows within or adjacent to Neighbourhood B. A Technical Note on the result of the proposed increase in development traffic passing through the Fifth Avenue/Tang Hall Lane junction prepared by AECOM is annexed to the supporting letter.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Osbaldwick CONF

City Boundary GMS Constraints: York City Boundary 0001

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

Schools GMS Constraints: St. Aelred's RC Primary 0223

### 2.2 Policies:

CYGP4B  
Air Quality

CYH1  
Housing Allocations

CYSP6  
Location strategy

CYGP1  
Design

CYGP3  
Planning against crime

## **3.0 CONSULTATIONS**

### PUBLICITY

3.1 The application has been publicised by means of a Press advert, the posting of four site notices at entrances to each of the four access roads, notification to internal and external consultees including Osbaldwick Parish Council and 388 letters to local residents. The following comments have been received at the time of writing. The press notice consultation period expires 25th July 2012 and, therefore, any additional comments received will be reported to Committee.

## INTERNAL

### Highway Network Management

3.2 No objections are raised.

3.3 The application seeks to vary the number of dwellings that are to be served from each access point into the development. The access principles considered and approved as part of the outline planning consent were as follows: Fifth Avenue - 185 dwellings; Temple Avenue - 125 dwellings; Osbaldwick Village - 105 dwellings; and, Meadlands - 125 dwellings.

3.4 The main principle behind the access arrangements was that each village within the development should be independent and through vehicular traffic between villages would not be permitted (with the exception of servicing traffic, emergency vehicles and public transport).

3.5 The proposed variation to the condition will result in increased numbers of dwellings being served from Fifth Avenue, with the other access points either seeing no change or a reduction in dwellings served.

Fifth Avenue - 277 dwellings (+92)

Temple Avenue - 125 dwellings (no change)

Osbaldwick Village - 64 dwellings (-41)

Meadlands - 74 dwellings (-51)

3.6 A technical note has therefore been submitted, the scoping of which was agreed with officers, which assesses the potential impact on the Fifth Avenue/Tang Hall Lane junction from the traffic generated by the additional dwellings. Due to the period of time since the original granting of consent, the traffic flows on Tang Hall Lane have been reassessed using more recent council survey data. As a result of the findings of this traffic flows through this junction have been 'growthed' to more accurately reflect the current situation.

3.7 Nationally recognised junction assessment software (PICADY) has been used to assess what the potential impact of the proposed variation is in a 2016 future year scenario. This modelling has demonstrated that the junction of Fifth Avenue/Tang Hall Lane will continue to operate satisfactorily, with the increased level of traffic arising from the changes, in terms of both operational capacity and safety. Any changes in queuing/delay are negligible and not materially different to that considered and approved in the outline consent.

3.8 Following concerns raised by objectors and residents regarding the safety implications of the proposals officers have investigated the accident history for Fifth Avenue over the past 5 years. This data covered the full length of Fifth Avenue

(including side road junctions) from its junction with Tang Hall Lane to the point at which it terminates, where the site access is to be.

3.9 The data demonstrates that there have been 5 accidents, 4 of which occurred at the junction with Tang Hall Lane. The accident data does not identify any pattern nor indicate any specific type of accident which there would be the increased risk of potential for should traffic levels increase as proposed.

3.10 Fifth Avenue is traffic calmed with a 20mph zone due to a school safety scheme. It is considered that these features further improve road safety and reduce the potential for speeding in particular.

#### Environmental Protection Unit

3.11 No concerns raised on the basis that the change in access arrangements is extremely unlikely to trigger the units threshold for requiring additional air quality work. A junction capacity assessment has also been carried out and no significant additional queuing is anticipated in this area.

#### Environment and Conservation (Landscape Architect)

3.12 No objection.

#### EXTERNAL

#### Osballdwick Parish Council

3.13 No response at time of writing.

#### Local Residents

3.14 Eight letters received from local residents of Fifth Avenue making the following comments:

- Fifth Avenue has existing traffic problems associated with the school, library and clinic on Fifth Avenue and from rat-running of lorries linked to local shops;
- The proposal overburdens Fifth Avenue to appease Osballdwick and Meadlands residents;
- Concerned that additional traffic will cross the accesses to the school, library and clinic - will there be additional crossings and same no-through traffic measures?;
- Traffic travels too fast along Fifth Avenue, whereas Meadlands and Osballdwick are wide roads with bends to slow traffic down;
- The development should be as originally approved as it is unfair for residents of Fifth Avenue (and potentially Wherside and Penyghent) to bear the brunt of the majority of the traffic from it;

- Original plans were deemed acceptable as it spread the traffic load evenly across the area, so should be adhered to now, especially as the reasons for the change must have been known at the outset;
- Poor visibility at Fifth Avenue/Tang Hall Lane junction;
- Social problems from pockets of economic deprivation as social housing is to be placed on the Fifth Avenue side of the development;
- Visual impact - could be mitigated by tree planting to line the Avenue.

## **4.0 APPRAISAL**

### KEY ISSUES

4.1 The key issues to be considered are:

- highway safety;
- air quality;
- residential amenity.

### POLICY CONTEXT

4.2 Relevant Central Government planning guidance is contained in the National Planning Policy Framework (March 2012). The heart of the framework is a presumption in favour of sustainable development. It contains a set of twelve core land-use planning principles to underpin plan-making and decision-taking, including securing a high quality design and a good standard of amenity for all. It encourages the delivery of a wide choice of high quality homes of good design and the promotion of healthy communities through the creation of safe and accessible environments.

4.3 The adopted development plan is the Yorkshire and Humber Plan Regional Spatial Strategy. This establishes the overarching policy context for the region and focuses most development in the sub-regional city of York within the York sub-area (Policy Y1). The Strategy is proposed for revocation, but still remains at this time part of the development plan.

4.4 City of York Draft Local Plan policies are material to the consideration of the application where they reflect the National Planning Policy Framework. The relevant policies are summarised in section 2.2 Policy GP1 of the Local Plan states that development proposals will be expected to (a) respect or enhance the local environment and (i) ensure that residents living nearby are not unduly affected by noise and disturbance. Policy GP3 (Planning against Crime) requires natural surveillance of public spaces and paths from existing or proposed development, secure car and cycle parking locations and satisfactory lighting in developments. Policy GP4b deals with air quality. Housing policy H1 lists the development site of Metcalfe Lane within its housing allocations table 7.2.

## SUMMARY OF PROPOSAL

4.5 The proposal would change the number of dwellings within each neighbourhood and thereby the number of dwellings accessed from the four access roads. Whilst Neighbourhood C (Temple Avenue) would remain unchanged, Neighbourhood A (Fifth Avenue) would be increased from 185 dwellings to 277 dwellings (an increase of 92 dwellings) and Neighbourhoods B (Meadlands) and D (Osbalwick Village) would reduce by 51 and 41 dwellings respectively. The details for each neighbourhood are as follows:

### Neighbourhood A - Fifth Avenue:

Number of dwellings referred to in condition: 185 (34% of total dwellings)

Proposed number of dwellings: 277 (51% of total of dwellings)

Additional number of dwellings proposed: 92 (50% increase)

Maximum number of dwellings allowed with 10% tolerance: 203.5 dwellings

Additional number of dwellings proposed over and above 10% tolerance: 73.5 (36% increase)

### Neighbourhood B - Meadlands:

Number of dwellings referred to in condition: 125 (23% of total dwellings)

Proposed number of dwellings: 74 (14% of total dwellings)

Reduction in number of dwellings proposed: 51

### Neighbourhood C - Temple Avenue:

Number of dwellings referred to in condition: 125 (23% of total dwellings)

Proposed number of dwellings: unchanged

### Neighbourhood D - Osbalwick Village:

Number of dwellings referred to in condition: 105 (19% of total dwellings)

Proposed number of dwellings: 64 (12% of total dwellings)

Reduction in number of dwellings proposed: 41

## ASSESSMENT OF PROPOSAL

4.6 JRHT propose to vary Condition 8 as a result of further design work to address some of the challenges affecting the internal site layout of the development. These are set out in section 1.3. The benefits of the proposal centre around meeting these design challenges and providing a better internal road layout that avoids the need for private vehicles to cross the Sustrans cycle track (only public transport and emergency vehicles would be permitted).

4.7 However, the change in the size of the neighbourhoods would result in an increase in the amount of dwellings being accessed from Fifth Avenue - from 34% of the number of dwellings within the development to 51%, or in other words a third to

a half of all dwellings. Consequently, this will lead to an increase in the number of vehicles associated with the additional dwellings, thereby potentially impacting on highway safety along Fifth Avenue and at the junction of Fifth Avenue and Tang Hall Lane, on air quality within the area and on the residential amenity of those residents living on Fifth Avenue.

## Highway Safety

4.8 Local residents have raised concerns about the proposed variation, in terms of the impact the additional traffic generated by the increase in dwellings accessing via Fifth Avenue would have on highway safety.

4.9 A Technical Note prepared by a Highway Consultancy, AECOM, has been submitted with the application. The scope of the assessment reported in the note was agreed beforehand with the Council's Highway Network Management Team. The note concludes that the increased number of residential units would not adversely affect the operation of the Tang Hall Lane/Fifth Avenue junction, which would continue to operate within its capacity and with minimal queuing. As a result of this, Highway Network Management raises no objection to the proposal.

4.10 In terms of additional traffic generated by the extra dwellings, this would equate to one extra vehicle per minute using agreed and approved trip rates. The approved scheme (taking into account the 10% tolerance allowed) equates to just under 2 vehicles per minute during the peak periods. From a highway perspective, this would not have a material impact.

4.11 Furthermore, Highway Network Management reports that, from the Council's accident records, there have been five accidents on Fifth Avenue, four of which occurred at its junction with Tang Hall Lane. Analysis of the records does not identify the road as being one with safety concerns that would point to additional vehicles exacerbating an existing problem area nor does it identify any pattern or specific type of accident where there would be higher risk should traffic levels increase. Fifth Avenue is traffic calmed with a 20mph zone due to a school safety scheme and these measures help to improve road safety and reduce traffic speeds along the road.

4.12 In light of the above, and the no objection from Highway Network Management, it is considered that there are no highway safety grounds to refuse the application to vary condition 8.

## Air Quality

4.13 Likewise, the Environmental Protection Unit raises no concerns on the basis that the access arrangements are unlikely to trigger the unit's threshold for requiring



additional air quality work and as no significant additional queuing has been identified in the junction capacity assessment.

4.14 The proposal to vary condition 8 is, therefore, considered to be acceptable in terms of air quality.

### Residential Amenity

4.15 The approval of the outline planning permission accepted Fifth Avenue as a suitable access road to serve the biggest neighbourhood with the largest proportion of houses within the scheme - being a third of the dwellings within the development. The Inspector in his conclusions highlighted that Fifth Avenue had a wide carriageway at 6.1m with spacious verges and dwellings set behind front gardens. It was considered that an increase of almost 2 cars a minute during peak periods was acceptable given the characteristics of the road.

4.16 The proposal would increase the number of dwellings accessed from Fifth Avenue by 92 from the figure of 185 stated in the condition to 277 dwellings. However, as the condition allows a 10% tolerance either way from the specified figure, the actual increase in dwellings should be considered on the basis of the maximum amount of dwellings allowed by the condition, which is 203.5. This results in an increase of 73.5 dwellings, equating to a percentage increase of 36%. As mentioned above, in terms of traffic generation, based on the net impact over and above the approved scheme, the additional dwellings would equate to just under one extra vehicle per minute during peak hours using agreed and approved trip rates.

4.17 The granting of outline permission for development of the site accepted a level of disturbance to residents on Fifth Avenue, in terms of awareness of and noise from passing vehicles associated with the new housing. As the Inspector noted in his report, Fifth Avenue is relatively wide with grassed verges and houses set back behind front gardens. Furthermore, the road serves other smaller residential roads and community facilities, including the school, clinic and library, that impact on the level of noise and disturbance experienced by surrounding residents. As highlighted by AECOM's Technical Note, there would not be any significant increase in queuing at the junction that could erode the amenity of residents of the avenue. The extra one vehicle per minute during peak hour flows, in addition to what has already been approved, would be unlikely to lead to an adverse effect on the day to day living conditions of Fifth Avenue residents, given the characteristics of the road and set back of the houses.

4.18 It is officers' opinion that refusal of the application on amenity grounds could not be sustained.

## 5.0 CONCLUSION

5.1 The application seeks to vary condition 8 of the 2007 outline planning approval (ref: 03/02709/OUT) for residential development of land to the west of Metcalfe Lane to allow the size of Neighbourhood A accessed via Fifth Avenue to be increased in size and neighbourhoods B (Meadlands) and D (Osbalwick Village) to be reduced in size. The proposal has arisen following detailed design work that highlighted a different solution to the internal road layout and omitted the need to have private vehicles crossing the Sustrans cycle track, whilst maintaining the approach of four neighbourhoods each with its own vehicular access point.

5.2 Concerns have been raised by local residents on Fifth Avenue about the increase in dwellings served by this road and the impact this would have on highway safety and residential amenity. The residents feel that the permission should be implemented as approved and that no change to neighbourhood sizes should be agreed. However, the applicant is within their right to apply for such a variation and it is the Local Planning Authority's duty to consider such a proposal and assess its implications on material planning considerations.

5.3 Consultation has taken place with the Council's Highway Network Management and Environmental Protection Unit, who raise no objections on highway safety or air quality grounds. It is recognised that an increase in housing numbers accessed from Fifth Avenue would likely lead to additional vehicle movements along this road. However, when compared to the original permission with the 10% tolerance and taking into account the physical characteristics of the road, the impact on noise and disturbance is unlikely to cause significant additional harm to the living conditions of existing residents so as to warrant refusal. This is taking into account the wider benefits of the scheme in terms of meeting the City's housing needs with a sustainably located and constructed residential development and the benefits to highway safety by reducing the potential for conflict with users of the Sustrans cycle track. As such, the proposal accords with national and local planning policy set out in National Planning Policy Framework, Yorkshire and The Humber Regional Spatial Strategy and City of York Draft Local Plan.

5.4 The application to vary Condition 8 of the outline planning permission 03/02709/OUT is recommended for approval. The applicant has requested that the condition be varied to incorporate the new figures, with a 10% tolerance either way allowed. However, given the existing increase over and above the 10% allowance agreed by the Secretary of State, it is considered that to include an additional opportunity to increase the size of the neighbourhoods by a further 10% would be unreasonable. Therefore, it is suggested that condition 8 be varied to include the revised housing figures, with the reference to the 10% tolerance omitted to give the Local Planning Authority the opportunity to fully consider any future changes to the size of the neighbourhoods. This is a reasonable approach given the advanced stage of the development, including detailed work that has been undertaken into the layout of the site, the construction of phase 1 (Neighbourhood D), approval of siting,

design and external appearance of phase 2 (Neighbourhood C) and submission of the reserved matters for phases 3 and 4 (Neighbourhoods A and B).

5.5 The Section 106 Legal Agreement connected with the development and linked to the original planning permission, will need to be varied to take account of this variation application if approved.

**6.0 RECOMMENDATION:** Approve subject to Section 106 Agreement

New Wording for Condition 8:-

8 The site shall be developed on the basis of the four residential areas identified below, each served by its own vehicular access, and in accordance with the strategic landscaping structure within the site as generally indicated on the Illustrative Green Space Structure Plan Drg No A/1418/2.3/03A dated July 2004. The number of units within each quadrant shall be as set out below.

Neighbourhood A - accessed from Fifth Avenue - 277 dwellings

Neighbourhood B - accessed from Meadlands - 74 dwellings

Neighbourhood C - accessed from Temple Avenue - 125 dwellings

Neighbourhood D - accessed from Osbaldwick Village - 64 dwellings

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority, the proposal improves the internal layout of a scheme that offers wider benefits for the City in terms of meeting the City's housing requirements in a sustainable location and adopting sustainable construction methods. It would reduce the potential conflict with users of the Sustrans cycle track. The housing scheme, as varied by this permission, would not cause undue harm to interests of acknowledged importance, with particular reference to highway safety, air quality, planning against crime or residential amenity. As such, the proposal complies with the aims and objectives of the National Planning Policy Framework or Yorkshire and The Humber Regional Spatial Strategy or Policies GP1, GP3 and G4b of the City of York Development Control Local Plan.

### **Contact details:**

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