

COMMITTEE REPORT

Date: 22 November 2012 **Ward:** Osbaldwick
Team: Major and **Parish:** Osbaldwick Parish
 Commercial Team Council

Reference: 12/01878/REMM
Application at: Land Lying To The West Of Metcalfe Lane Osbaldwick York
For: Reserved matters application for details of siting, design, external appearance and landscaping of 346 dwellings (phases 3 and 4) granted under outline permission 03/02709/OUT
By: Joseph Rowntree Housing Trust
Application Type: Major Reserved Matters Application (13w)
Target Date: 8 August 2012
Recommendation: Approve

1.0 PROPOSAL

SUMMARY

1.1 This application seeks reserved matters approval for phases 3 and 4 of the larger residential development by Joseph Rowntree Housing Trust on land west of Metcalfe Lane, Osbaldwick, referred to as 'Derwenthorpe'. It covers the siting, design, external appearance and landscaping of Neighbourhoods A and B, located in the northern half of the site to the north of the Sustrans cycle route and accessed from Fifth Avenue and Meadlands. The application has been publicised and the comments received taken into consideration. Revisions have been made to the scheme in light of the responses and a further consultation exercise undertaken. The application is considered to be in compliance with the outline planning permission. As such, it is recommended for approval subject to conditions.

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 and the general landscaping structure 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 and shape of these neighbourhoods and the approximate number of dwellings within each one, along with the general location of public open space, were established through an illustrative masterplan and design documents submitted in support of the outline planning application.

1.3 As part of this planning consent, the developer was required to submit details for approval of the following reserved matters not considered at the outline planning

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stage: siting, design, external appearance and landscaping. Conditions 2 and 4 of the outline planning permission set out the requirements for these reserved matters applications. Condition 2 stipulates that such reserved matters applications shall comply with Lifetime Homes standards and the general design principles set out in the Design Code and Design Guide documents that were submitted on 1 August 2003 as part of the application and amended by the Illustrative Masterplan dated July 2004.

1.4 Phase 1 of the development (Neighbourhood D), accessed from Osbaldwick Village, was granted reserved matters approval in 2008 and is currently under construction (ref. 07/02789/REMM). It included a 'Village Green Area' with drainage ponds and equipped play areas to the west of the 64 dwellings. The reserved matters for Phase 2 (Neighbourhood C), accessed from Temple Avenue, were approved by Committee earlier this year.

PROPOSAL

1.5 The application currently under consideration seeks consent for siting, design, external appearance and landscaping for the last phase of the development (phases 3 and 4), being the housing areas to the north of the site accessed via Fifth Avenue (Neighbourhood A) and Meadlands (Neighbourhood B). The area of the site covered by phases 3 and 4 is to the north of Sustrans Cycle Route, which dissects the larger residential development site east to west. The houses of Neighbourhoods C and D lie to the south of the cycle route. To the north are the houses of Meadlands and Burnholme College school and associated playing fields. To the east are agricultural fields, beyond Metcalfe Lane. To the west are the houses on Fifth Avenue and Malham Grove.

1.6 Condition 3 of the outline approval required a phasing scheme to be submitted prior to or concurrently with the reserved matters for phase 1 to confirm infrastructure provision and nature conservation requirements. The phasing scheme subsequently submitted confirmed that the later phases of the development after phase 1 (Neighbourhood D) and phase 2 (Neighbourhood C) would be the area to the north of the Sustrans Cycle Route. The latter phases includes the construction of the houses and infrastructure in Neighbourhoods A and B, the diversion of the cycle way between the Sustrans route and Burnholme College and the footpath along the eastern boundary, and the provision of a Great Crested Newt tunnel between the protected habitat and a retained area of ridge and furrow both falling within the northern half of the larger development site. The provision of the temporary haul road running into the site from Fifth Avenue, the protection of the Great Crested Newt habitat and area of ridge and furrow, and the translocation of grass land were to occur within phase 1.

1.7 The application is accompanied by a supporting Design Statement, Statement of Crime Prevention Measures (as required by Condition 10 of the outline planning

approval). The Design Statement outlines the design philosophy of the scheme and the consideration that was given to key matters as part of the detailed design. It explains that the extent and general layout of phases 3 and 4 is informed by the Illustrative Green Space Structure Plan and Illustrative Masterplan that formed part of the outline planning permission. It confirms that all of the houses have been designed to the Joseph Rowntree Foundation Lifetime Homes standard, with six of the houses being designed to wheelchair accessible standard.

1.8 There are 346 dwellings proposed as part of this reserved matters application, 304 houses and 42 apartments of varying size and tenure. The design of the scheme reflects that of phases 1 and 2 and is contemporary in approach. Neighbourhood A (Temple Avenue) is the larger of the two with the two apartment blocks and 227 houses compared to 74 dwellings in Neighbourhood B (Meadlands). All dwellings would have a private amenity space whether it be a garden for the houses or a sunspace balcony for the apartments. All houses have an allocated parking space, whether within a garage, parking court, in-curtilage or on-street. The parking for the apartments is to be unallocated. There would be 30 spaces to serve 42 apartments with the spaces split between the two blocks and provided in communal areas at the rear of them. Visitor parking spaces and nine car club spaces are accommodated within the phase. Three Local Areas of Play are shown on the plans, two within Neighbourhood A and one within Neighbourhood B.

1.9 Following discussions and negotiation, revisions have been made to the scheme since it was submitted. The revisions take account of the approval by Committee in July to vary the number of dwellings within each Neighbourhood (ref. 12/2163/OUTM). The changes involve: Revisions have been made to the scheme since it was submitted following lengthy negotiation with Council officers and to take account of the approval by Committee in July to vary the number of dwellings within each Neighbourhood (ref. 12/2163/OUTM). The changes involve:

1. changes to the road layout to reflect the reduced number of houses accessed from Meadlands and the transfer of the houses north of the cycle track that were originally accessed via Osbaldwick Village and originally part of Neighbourhood D, to Neighbourhood A;
2. removal or reduction in width and length of some roads to improve layout and create space for parking;
3. adjustments to the parking layouts on street and in courtyards to ensure closer association between houses and their allocated space;
4. increase in visitor spaces;
5. repositioning of houses at 'gateways' to development from Fifth Avenue and Meadlands;
6. repositioning of dwellings to create more space around the mature Oak tree to be retained;
7. substitution of house types to allow for aforementioned changes;
8. creation of first floor level side balconies to three of bungalows;

9. addition of single storey extensions to rear entrances of apartment blocks to accommodate cycle parking provision;
10. clarification about allocation of car parking spaces around the apartment block.

1.10 The detailed design of the central square has been excluded from this reserved matters application and will form part of a separate application once further design work has been undertaken for the layout of this space.

ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

1.11 As part of the amendment to the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, a request for a scoping opinion was sought on behalf of the applicant in July 2011 (ref. 11/01988/EIASP). This considered whether any further information to the original Environmental Statement was required by the Local Planning Authority in order that the environmental information before it was adequate to assess the environmental effects of the development. The Local Planning Authority gave its opinion in August 2011 confirming that with regards the various topics of the Environmental Statement, no further information was required.

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:

CYGP1 - Design

CYGP3 - Planning against crime

CYGP9 - Landscaping

CYNE1 - Trees, woodlands, hedgerows

CYT4 - Cycle parking standards

3.0 CONSULTATIONS

PUBLICITY

3.1 The application was publicised by means of a press advert, the posting of four site notices at entrances to the site on Fifth Avenue, Meadlands and the Sustrans Cycle Route and letters to local residents and Osbaldwick Parish Council. Initial consultation took place with internal and external consultees, giving until the 13 June 2012 for comments to be made. A further consultation was undertaken as a result of minor revisions to the scheme in October 2012. This period expires on 12 November 2012. The following comments have been received. Members will be updated at Committee of any further comments received.

INTERNAL

3.2 Highway Network Management

The detail submitted in the application accords with the principles set out in the outline application for the site. As all issues relating to traffic generation and off site highway works were secured and addressed at the outline application stage all that is being considered is the detailed design of the scheme.

The number of residential units within this application served from Fifth Avenue and Meadlands is in accordance with the recent approval 12/02163/OUTM. A break point is provided within the phase which will permit pedestrians and cyclists to pass between the Fifth Avenue element of the scheme and the Meadlands side.

Vehicular access between these access points will be prevented with the exception of emergency vehicles or refuse vehicles as may be necessary.

Much of the highway layout is based around homezone principles where the roadspace is shared amongst users and as such does not have a formal kerbed carriageway/footway construction. The highway has been designed to restrain vehicle speeds through a variety of recognised measures including the use of planting in the highway, varying the width of the highway and restricting forward visibility.

The layout has been designed with a main spine running through the site which then serves side links for local access. Traffic calming design features together with managed on-street parking areas have been provided throughout the phase which have been designed to keep vehicle speeds to 20mph.

Car parking is in accordance with CYC Annex E maximum standards with the layout being carefully designed to create areas of managed on-street parking whilst avoiding the potential for indiscriminate parking to occur. The proportion of car

parking numbers including visitor spaces and car club bays is to the same ratio as has been provided and agreed on Phases 1 and 2 of the development.

Refuse collection will be a mixture of kerbside collection and pick up from dedicated bin drop off points. Vehicle swept paths have demonstrated that refuse vehicles can successfully traverse the site.

There is an existing cycle route which runs along the Eastern boundary of the site between the Sustrans route and Meadlands. This route is being accommodated within the site layout.

3.3 Environment and Conservation (Landscape)

The design employs a good use and range of paving materials; and simple, effective, structured planting and suitable choice of species. The arrangement results in good overlooking of open spaces.

Previous concerns over hemmed in situation of unit 158 (now 156) has been addressed by making the plot width/garden bigger and by relocating the semi-mature tree to the corner of the LAP away from the house frontage.

Concern for very shallow depth of gardens of units 291 and 292 (now 288 and 289) and their proximity to existing residential has been addressed by turning the properties side on and pulling them away from the boundary.

Rear garden access runs have been broken up and subsequently reduced in length to the rear of units 1-14; plus outlook/situation has been improved for units 15 and 16 (now 8 and 9).

Units have been altered to enable the retention of the existing mature oak adjacent to unit 111 within a sensory garden (details to be secured under condition).

Requests conditions regarding landscaping (LAND 1 with a 5 year maintenance period with reference to final 'Landscaping Layout') and tree protection method statement for existing Oak tree.

3.4 Environmental Protection Unit

Reminds developer of conditions and obligations with regards the outline planning permission with regards hours of working, environmental management scheme and contamination. Asks that the draft Low Emission Strategy is brought to developer's attention and requests informatives to encourage the provision of electrical recharge points for electric vehicles and the installation of sockets in garages to allow vehicles to be charged.

EXTERNAL

3.5 Environment Agency

No objections.

3.6 Natural England

The proposed reserved matters relate largely to design, landscaping and external appearance and are unlikely to have significantly different impacts on the natural environment than the original proposal.

3.7 Sport England

Do not wish to comment.

3.8 Yorkshire Wildlife Trust

Pleased to see that detail of the Sustrans route will be treated separately. Recommends that opportunities are taken to provide roosting and nesting sites for wildlife in the new homes.

3.9 Police Architectural Liaison Officer

Initial response - does not support the scheme because of concern about security of rear parking courts, excessive permeability, remote parking, unsecured rear gardens, lack of front boundary demarcation, unprotected side windows, parking on LAP boundaries lack of defensible space around apartments, blank gables to public space, cycle provision. Concludes that it has been difficult to visualize and appreciate the overall layout and more detailed design because of four phase approach until now. The excessive permeability will make the development difficult to police and concerned about inclusion of rear parking courts and remote bay parking arrangements. Considers that the development does not comply with the NPPF, which aims to create safe and accessible environments where crime disorder do not undermine quality of life or community cohesion. Phases 3 and 4 will not meet the required standard for the 'Secured by Design' award and many aspects of the design and layout do not comply with 'designing out crime' guidance outlined in the document 'Safer Places The Planning System and Crime Prevention'.

Revised submission - Notes that many of the concerns previously raised have now been addressed. However, continues to raise concerns about parking close to boundaries of the LAPs, absence of gates to some shared passageways between houses, remoteness of car and cycle parking for apartments.

3.10 Osbaldwick Parish Council

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Re-states its long standing objection to the principle of development on this site. Objections to application are:

- Un-orthodox and overbearing design with Meadlands bungalows having amenity compromised;
- Insufficient parking provision as properties on phase 1 have minimum of 2 vehicles;
- Location of houses on eastern boundary unacceptable due to hedge and boundary trees being compromised;
- Development will compromise the PROW from Meadlands and any attempt to divert or extinguish will be compromised;
- Request further reduction in properties accessed by Meadlands to 73;
- Request no changes to layout of existing road throughout Meadlands is made and that Meadlands is 20mph zone;
- Concern expressed over capacity of existing sewer system and highway drainage systems to cope;
- No construction traffic should be through Meadlands;
- Request that plots 231 to 304 be omitted and space be given to public open space.

3.11 Letters from local residents

Three letters have been received from local residents (two from Fifth Avenue and one from Meadlands) raising the following points:

- Overshadowing;
- Loss of light;
- Reduction in visual amenity of property;
- Noise and disruption;
- Privacy;
- Inadequate provision for parking, loading and turning;
- Design, appearance and materials will not compliment design of Fifth Avenue;
- Questions accuracy of plans at site boundaries;
- No details of proposed bus stops in area adjacent to Fifth Avenue;
- Concern about impact of increased numbers of cars using Fifth Avenue;
- Concerns over drainage in Meadlands.

4.0 APPRAISAL

4.1 For clarity the appraisal is separated into sections focusing on the individual reserved matters - siting, design, external appearance and landscaping. However, it should be noted that there is a degree of overlap within each category and thus each section cannot be read in isolation. The main issues to be considered are whether the details submitted comply with the requirements of the outline planning permission and whether they contribute to the aims and objectives of the development, in that they create a safe and attractive environment for this

residential development without harming visual and residential amenity, highway safety and the natural environment.

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. The framework encourages the delivery of a wide choice of high quality homes; the promotion of good design with great weight being given to outstanding or innovative designs; and, the promotion of healthy communities through the creation of safe and accessible environments, where crime and disorder do not undermine quality of life, and clear and legible pedestrian routes and high quality public space to encourage active public areas.

4.3 The adopted development plan is the Yorkshire and Humber Plan Regional Spatial Strategy (2008), which covers a plan period to 2026. 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). In 2010, the Coalition Government announced its intention to revoke regional spatial strategies. The Court of Appeal ruled in 2011 that the intention can be regarded as a material consideration in deciding planning applications. However, pending abolition, the Strategy remains 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 GP9 deals with landscaping within residential schemes. Policy NE1 seeks to protect existing trees and hedgerow that are of important landscape, amenity, nature conservation or historical value.

COMPLIANCE WITH OUTLINE CONSENT

4.5 Outline planning permission was granted by the Secretary of State for residential development of the site with the principle of developing the whole site for approximately 540 homes being established. The aim of the development was to create a high quality, mixed tenure community offering choice of accommodation. The general layout of the whole development including the extent of the built

development was approved in part by the outline planning permission through the Illustrative Masterplan dated July 2004. The approximate size and shape of the four neighbourhoods has been approved as well as the approximate number of dwellings within each neighbourhood. The location of the public open space areas and basic details of the facilities to be found within them has also been agreed. The design approach for the scheme as a whole was established at the outline planning stage and is contained in the Design Code and Design Guide documents that were submitted on 1 August 2003 as part of the application and amended by the Illustrative Masterplan. Condition 2 of the outline consent specifically requires the reserved matters applications to be in compliance with these documents.

4.6 Condition 8 of the outline planning permission indicated 185 dwellings within Neighbourhood A (Fifth Avenue) and 125 dwellings with Neighbourhood B (Meadlands) with a 10% tolerance allowed above or below the stated figures. An application was submitted and was agreed by Planning Committee in July 2012 to vary this condition and in doing so allow the number of dwellings within each Neighbourhood to vary. The reserved matters submission for phase 3 and 4 of the development, taking into account the changes allowed by approval of the application to vary condition 8, appears to be consistent with the terms of the approved outline consent, the approach and philosophy of the design documents and the Illustrative Masterplan.

4.7 Although the numbers of dwellings proposed within each neighbourhood have changed following the approval of the application to vary condition 8, the overall number of dwellings within the scheme remains in line with the outline approval. The density and housing mix has been set through the outline planning permission and is as envisaged.

4.8 The development proposed family housing in response to the City's identified need and with this in mind the majority of properties are three bedroom, with 8 no. two bedroom dormer bungalows, 50 no. four bedroom houses and 13 no. five bedroom houses. The 42 apartments are predominantly two bedroom units with 3 no. one bedroom units. This provides a mix of type and size of accommodation within the scheme as intended by the outline application. The dormer bungalows are sited adjacent to the northern site boundary with Meadlands and the four and five bedroom properties are spread across the site, largely around the periphery of the built development and overlooking the green spaces within the development, but also as focal point buildings thereby assisting legibility through the development. All properties are proposed to be built to Lifetime Homes standards as required by condition 2 of the outline consent, with six wheelchair accessible houses (type C4). The range of housing, with varying house types and external amenity space, offers choice and is consistent with the outline planning permission.

SITING

4.9 Siting is concerned with the layout of the scheme, including its roads and footpaths, housing and public spaces.

4.10 The layout of phases 3 and 4 appears consistent with the Illustrative Masterplan in that it reflects the general layout in terms of extent of built form and open space, relationship to existing housing areas, access arrangements and housing arranged along a network of hierarchical streets and foot/cycle ways focusing around a central 'heart' to the development. The road network incorporates a central spine road linking Fifth Avenue with the central square, green lanes around the outer edges, mews courtyards and 'home zones' centred around the three Local Areas of Play (LAPs). These LAPs are shown within the neighbourhoods in similar positions to those indicated on the Masterplan and would have good natural surveillance from the surrounding houses. The development has a higher density than the surrounding housing estates to accord with national policy for efficient use of land. As such, the houses have minimal setbacks from the roads and would be closer together than occurs in the surrounding residential developments. Garden sizes would be smaller.

4.11 The layout embraces a high degree of permeability by non-car modes both within and between the neighbourhoods and with the wider area. This again was indicated on the Masterplan and was part of the design philosophy of the scheme, which was based on a hierarchical network of routes integrated within the housing areas and open space providing safe and easy movement to foster natural surveillance.

4.12 It is noted that the Masterplan was intended to be illustrative and, therefore, there is a degree of flexibility in the layout shown providing it is within the parameters of the design documents. The Design Statement submitted with this reserved matters application highlights the experience gained by the developer from translating the principles of the Masterplan into the development built out in Phase 1.

4.13 The hierarchy of roads remains, but the layout of the secondary roads has changed following the detailed design work. The housing still forms perimeter blocks fronting out onto the public highway, but houses have been provided within some of the rear parking courts to aid surveillance and increase the sense of ownership of these spaces. The number of accesses to the parking courts has been reduced to make these areas more private. The larger properties within the more generous sized plots have been positioned around the perimeter of the built development and facing out wards from it, to provide a more informal approach that relates better to the open spaces surrounding the neighbourhoods. The properties along the eastern boundary are now proposed to back onto Metcalfe Lane with garden boundaries extending up to the existing hedge running the length of the boundary with the lane, itself a public right of way, rather than the houses face eastwards overlooking an internal road, itself separated from the lane by the existing

hedgerow. The footpath/cycle running along the western side of the hedgerow, near parallel to Metcalfe Lane is proposed to be diverted to run along the internal road network and reconnecting with the lane before the newt field. A path is also proposed across the newt field.

4.14 The Police Architectural Liaison Officer (PALO) has raised concerns with the 'excessive permeability' of the scheme and the provision of parking within rear communal parking courts. Details of recent research have been submitted to support these concerns, which identify poor examples of on street parking and parking courts. The PALO considers that alleyways and parking courts should be gated. However, the high degree of permeability and the inclusion of parking courts is an accepted part of the design philosophy of the scheme as agreed at outline planning stage and conditioned by the Secretary of State through condition 2. Permeability remains a key design objective of the scheme, thereby promoting an inclusive and accessible community. This reserved matters application is also supported by a Statement of Crime Prevention Measures. The statement confirms that the development has been designed with the emphasis on natural surveillance and controlled permeability to attempt to address the concerns. This has involved making access to parking courts single access only or increasing surveillance by providing mews houses within larger courtyards. The scheme has been revised further following negotiation including removal of one of the parking courts, improvement of the relationship of on street and courtyard parking to dwellings and increased in-curtilage parking, which the PALO acknowledges.

4.15 The original drawing submitted did not show the presence of a mature Oak tree within Neighbourhood A, adjacent to the existing path linking the Sustrans route with Burnholme College. The revised plans now show the presence of the tree and provide for a sensory garden around it to allow space for the tree in the future and to retain its amenity value.

4.16 The properties at the gateway to the development on Fifth Avenue continue the orientation and building line of the existing houses as shown on the Masterplan, with set off distances from the side boundaries of the current end houses on Fifth Avenue of between 2m and 4m (approximately). Those at the entrance to the site from Meadlands differ from the Masterplan in that those to the east of the access road are at right angles to the existing property on Meadlands, no.42. This change is as a result of design revisions elsewhere within this phase, but would serve to provide a clearer arrival into the development and improve the street scene along this entrance road by relating better to the other houses proposed along it. The existing property to the north on Meadlands would benefit by viewing a gable end rather than roof ridge with dormer windows and would be separated by the existing footpath linking with Metcalfe Lane as well as the side driveway serving the dormer bungalow immediately south of the footpath.

4.17 In accordance with the Illustrative Masterplan, the scheme shows a run of houses backing onto the existing properties to the west on Fifth Avenue and Malham Grove and to the north on Meadlands. There was no minimum separation distance or building height restriction conditioned by the Secretary of State as part of the outline approval. At officer's request, a cross-sectional drawing has been submitted to show the relationship between the existing dwellings and those proposed. This drawing demonstrates that the land levels are not intended to be altered. It also shows that the separation distances are around 18m at the nearest point with properties on Malham Grove and approximately 20m to the dormer bungalows on Meadlands. However, there is a pinch point between the proposed properties and 34 Meadlands, again of around 18m.

4.18 The nearest houses to the site boundary are those properties at the head of the cul-de-sac, 13 and 14 Malham Grove, which have approximately 6.5m long rear gardens. The proposed houses backing onto these properties would have approximately 11.8m long rear gardens, resulting in a separation distance of approximately 18m. This is less than the usually adopted guidance distance of 21m and has the potential to result in an erosion of the privacy of the occupants of the existing properties. This would be unlikely to occur at ground level between main habitable rooms due to the presence of boundary enclosures, but would potentially be at upper floor level between bedrooms. Permitted development rights could be removed to prevent any further windows being inserted in the rear roof slope or two storey extensions beyond the rear elevation being erected to avoid this already minimal separation distance being breached. The impact on the remaining houses on Malham Grove would be negligible due to larger garden size of these properties.

4.19 With regards the relationship of the dormer bungalows backing onto the properties on Meadlands, it is noted that the properties on Meadlands have relatively large gardens. The separation distance between the existing and proposed is over 20m as a minimum, except for the distance between plots 282-283 and 34 Meadlands. Any loss of privacy would be from the dormer bedroom windows, which themselves are to be set back from the rear face of the buildings and are therefore at a distance of over 18m.

4.20 The close proximity of housing to the boundary has been discussed with the applicant, who highlights the tight nature of the developable area and has stated that the only way to increase distances would be to redesign the scheme to reduce the number of dwellings within the scheme. A condition could be attached to remove permitted development rights to prevent any further additions to the roof of these properties or rear extensions.

DESIGN

4.21 Design relates to a wider view of the development and how the place will work and look.

4.22 The underlying aim of the scheme is to provide a development with a range of size and type of property as well as tenure to deliver choice and promote a mixed community. There are 23 house types within phases 3 and 4 of similar though different design, which will give interest to the street scene. The houses are arranged in a mix of terraced, semi-detached and detached properties. The form of the houses is traditional in that they are dual-pitch properties. The house types are of a contemporary design, with a palette of red brick, painted brick and stone external facing materials and projecting timber window surrounds and dormer features.

4.23 The houses have either accommodation on three floors or the potential for accommodation within the roof void, with the exception of house type C (1, 4, 5 and 6) which are two storey and house type N (1, 2, 3, and 4) which are dormer bungalows. There are 14 dormer bungalows in the north-east corner of the site (Neighbourhood B) adjoining the properties on Meadlands. House type C4, of which there are six, is designed to meet wheelchair accessible standards. Of the remaining properties that have accommodation on three floors, the second floor is within the roof void apart from house types E and J whereas house types G and J are three storey. The approximate eaves height for the bungalows is 3m, for the two storey properties is 5.8m regardless of whether the house type has accommodation within the roof space and for the three storey properties is 7.8m.

4.24 The 2 no. three storey apartment buildings are located along the northern and eastern sides of the central square at the heart of the development where the energy centre is already sited. The buildings follow a contemporary design with flat roofs and a simple elevation treatment with a palette of materials including red brick end elevations, stone central feature elevations and timber detailing. Stair and lift enclosures projecting beyond the roof would be zinc clad. Main habitable accommodation would be located at the front facing over the square, with the apartments on the first and second floors having sunspaces projecting out from the face of the building. The sun spaces are proposed on the end walls of the apartments to break up the elevations. The design of the apartments has been revised to incorporate single storey rear additions to accommodate secure and covered cycle parking provision to serve each group of six units.

4.25 The design, height and materials of construction of the properties differs to that of surrounding housing, as can be seen from the houses in Phase 1 and prototype houses in Phase 2. However, the scheme never intended to replicate the existing housing, but aimed to develop an urban extension that had its own strong character and identity, adopting an innovative and contemporary approach whilst reflecting the traditional features of the surrounding area. The scheme also reflects the aim for more energy efficient housing.

4.26 Concern has been raised by Osbaldwick Parish Council and surrounding residents about the 'unorthodox and overbearing design' of the scheme, especially in relation to the bungalows on Meadlands, and the impact on residential amenity. However, the cross-sectional drawing submitted indicates that the height of houses would be similar to existing. In the case of the Meadlands area, the properties have been kept as dormer bungalows with an asymmetrical roof, whereby the roof ridge is off centre and thereby potentially gives the impression that the properties are further away from existing dwellings on Meadlands. Where side balconies have been added to these properties (House Type N4), it has been to provide a south facing space and facilitate natural surveillance of the street and LAP. As a result, a timber screen is proposed as part of the design to enclose the side and rear walls and thereby avoid the possibility of loss of privacy to the properties to the north or either side of the plots with these added features.

4.27 Each dwelling would have its own private outdoor amenity space and car parking space. There is a variety of garden size within the development, with the aim of the development being that as many as practicable have 9m deep gardens. Some of the plots have in-curtilage parking, which impacts on the size of garden. The apartments have private sunspace balconies and block B has a roof terrace. Parking spaces are a range of in-curtilage, on-street close to the dwelling it serves or in communal parking courts. A number of vehicle parking spaces and a car club space are provided. One of the key principles in the design of the development is that of giving cars a lower priority than that of pedestrians and cyclists. Car parking spaces are at a level of just 1.1 per dwelling on average (a lower ratio for the apartments), to discourage private vehicle ownership. There are 38 visitor spaces proposed spread across the site. A car club is to be set up as part of the development where motor vehicles can be hired as and when needed - nine car club spaces are proposed in addition to those to be provided in phases 1 and 2. A bus travel pass or a voucher towards the purchase of a bicycle will further encourage sustainable transport choice.

4.28 The design of the roads has been revised following negotiation with Council officers to encourage reduced vehicle speeds thereby giving priority to pedestrians and to create interest in the street scene. Planting is shown within the highway on the landscaping layout drawing and is intended to soften the visual appearance of the on-street parking and to enhance the environments within the mews and parking courts. The Council's Highway Network Management officers are satisfied with the revised details from a highway design and safety perspective. A condition is requested to ensure provision of cycle parking provision.

EXTERNAL APPEARANCE

4.29 External appearance is concerned with the details of the design and the materials to be used.

4.30 The design of the buildings is contemporary in its approach and is reflective of previous phases 1 and 2. The use of consistent design features and building materials would create a unity and sense of identity to the phases and the wider scheme. The materials chosen would provide an attractive and cohesive built environment. The houses would be predominantly red brick with some areas of painted brick, stone and wood boarding to create visual interest. Roofs would be clay tiles. The apartments would use the same red brick, though their length would be broken up by central areas of stone. The apartments would have flat roofs with zinc clad lift and stair enclosures.

4.31 Whilst an indication of the building materials has been submitted as part of the application, a condition is recommended to be attached to any approval to ensure physical samples of the materials are submitted for approval prior to the commencement of development. As with previous phases, a number of road surfacing materials would be used. The main roadways would be dressed tarmac. The secondary roads leading to the LAPs would be pre-cast concrete setts and the area around the central square, within the mews and parking courts, on the northern perimeter road adjacent to the ridge and furrow area and on private drives would be bonded gravel. The use of different materials would indicate to drivers of vehicles an appropriate speed and show that pedestrians and cyclists have priority. On-street parking bays and footways would be pre-cast concrete setts.

4.32 Street lighting would be as previous phases, housed in pole mounted or wall mounted fittings of a simple and modern design. The lighting within the parking courts would be bollard lights, again of a modern design.

4.33 The buildings have been designed to take advantage of natural solar gain where possible and will incorporate good levels of air tightness and insulation. The large window openings on the houses and apartments would allow natural surveillance as well as providing solar gain to reduce energy to be used for heating and lighting. Sun spaces (enclosed balconies), to assist with summer cooling and winter warming, are included on the upper floors of the apartments and in some of the house types. These features were included in some phase 1 and 2 properties and, as with Phase 2, the drawings for the houses make reference to these sun spaces possibly being omitted. This is to allow some flexibility in their provision in the event that they are shown not to be beneficial following the testing of the Phase 1 dwellings or if there is not demand from purchasers. Their omission would not affect the sustainability credentials or performance of the houses and would not materially alter the external appearance of the buildings.

4.34 The boundary treatments to the front areas of the dwellings would consist of a variety of railings and walls in materials consistent with the house to which they are related. Boundary treatments within plots vary between 1.5m high close boarded fencing to 1.8m high hit and miss fencing above dwarf walls.

LANDSCAPING

4.35 Landscaping relates to the non-built areas of the site as well as covering the surfacing materials to be used within the development.

4.36 The larger areas of open space within phases 3 and 4 are covered by planning conditions of the outline approval. These areas relate to the area of ridge and furrow species rich grassland to the north of Neighbourhood A and the newt field to the east of the site. The Crescent Park (between Neighbourhood A and the Sustrans route) falls within Phase 2 of the development.

4.37 The public open spaces within phases 3 and 4 are the three local areas of play (LAPs) and the sensory garden around the Oak tree. The landscaping treatment for the LAPs follows that of the previous phases. This involves the creation of a gabion wall with box hedge around the outside with an area of stone paving and grass within the wall. A play sculpture is proposed within each LAP, which is a requirement of the Section 106 Legal Agreement. Further details would be required of the space around the tree, which is indicated to be grassed with a path of stone paving path leading into the space and areas of additional planting provided in and around the path.

4.38 Existing landscaping along the sites boundaries are to be retained. As previously mentioned the mature Oak tree within the site is to be retained as are existing hedgerows running north-west to south-east and bordering the two large areas of public open space within phases 3 and 4 and one running along the northern and southern boundaries of the newt field. Additional hedge plating is proposed along the southern boundary of the ridge and furrow area to separate it from the roadway. The Council's Landscape Architect is satisfied with the distances between the houses and the existing vegetation within or around the site.

4.39 A tree strategy is proposed within the development to reinforce and distinguish the different areas within the Neighbourhood. The larger specimen trees are proposed within the LAPs. Avenue trees are intended to be of 30-35cm girth at planting and would line the main roadways to break up the hard surfacing created by the roadway, footway and parking bays. Those trees proposed in the home zone areas, mews courts and rear gardens are of a similar size to avenue trees, but of differing species.

4.40 Front gardens of properties would have shrub planting to clearly define the public and private domains. Rear gardens would be mown grass with some tree planting as mentioned.

4.41 A range of surfacing materials would be used again to reinforce the areas within the neighbourhood - main roadways would be dressed tarmac as previously mentioned, with pathways being textured setts and tumbled setts for on-street

parking bays. Homezones would have textured setts with bonded gravel for mews and parking courts and private drives. The materials are consistent with the approach that has been taken on phases 1 and 2.

4.42 Conditions would be required on any approval relating to the detail of the garden around the Oak tree and to cover protection for the tree and other existing planting during development.

5.0 CONCLUSION

5.1 The main issues that have been considered pertaining to this reserved matters application are the compliance of the detailed submission to the outline planning consent, the acceptability of the siting, design, external appearance and landscaping details and the impact of the reserved matters on the aims of the wider development, the visual amenity of the scheme and wider area, the amenity of existing and proposed residents, highway considerations, impact on the natural environment and crime.

5.2 The Police Architectural Liaison Officer still raises concerns about the 'excessive permeability' of the scheme and the use of rear parking courts. Osbaldwick Parish Council has expressed concerns about the design of the scheme, insufficient parking and the impact on the eastern public right of way and hedgerow from the proximity of the development. Issues relating to drainage and the potential of flooding are not material to the consideration of this reserved matters application having been assessed as part of the outline approval and addressed through conditions of approval.

5.3 The general siting, design, external appearance and landscaping proposals for phases 3 and 4 of the Derwenthorpe development are considered to be acceptable. The general design principles are consistent with those set out in the Design Code and Design Guide and as shown on the Illustrative Masterplan approved as part of the outline planning permission. It follows the 'vision for Derwenthorpe to create a vibrant, supportive and sustainable community' established under the outline approval and adopted for Phase 1. The site-specific design details are thought to be well considered and suitable for a development of this type within this location. In general, the scheme complies with the key objective, principles and relevant policies of the recently published National Planning Policy Framework, in that it achieves a development of innovative design which will help to raise the standard of design within the area. It promotes a mixed community that is safe and accessible. Efforts have been made to reconcile the underlying principles of the development established at outline planning stage, with the concerns expressed with regards to crime. Whilst the distances of 18m between the new houses and 34 Meadlands and 13 and 14 Malham Grove are not ideal, it is noted that there is no set policy requirement with regards separation distances nor any set by the Secretary of State in approval of the outline. As the separation distance applied is only marginally less

than has been achieved elsewhere with the development, It is considered that the loss of privacy to these properties as a result of the detailed design would be limited.

5.4 Therefore, in light of the above, this application is recommended for approval subject to conditions relating to materials, cycle parking, tree protection and removal of Permitted Development rights to plots 87 and 88 adjacent to the properties on Malham Grove and 282 and 283 that are adjacent to the bungalow on Meadlands.

5.5 A number of conditions were attached to the outline planning permission. Some of the conditions were required to be discharged prior to the commencement of development and details were submitted and agreed prior to the commencement of Phase 1. Specific conditions that relate to phases 3 and 4 (Neighbourhoods A and B) will need to be agreed prior to work starting on this phase of the development as well as those recommended below. In addition, a Section 106 agreement was signed which requires the submission of various details to be agreed by the Council.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

SITE PLAN: Drawing no. 2241_PL_001B (Site Plan) dated 8.11.2012 and received 12 November 2012;

MATERIAL LAYOUT: Drawing no. 2241_PL_002B (Material Layout) dated 8.11.12 and received 12 November 2012;

LANDSCAPING LAYOUT: Drawing no. 2241_003B (Landscaping Layout) dated 2.11.12 and received 12 November 2012;

HOUSE TYPE FLOOR LAYOUTS: Drawing numbers 2241_PL_101A (House Type A1), 2241_PL_112 (House Type B1A), 2241_PL_113A (House Type B3), 2241_PL_114A (House Type B4), 2241_PL_115A (House Type B5), 2241_PL_121A (House Type C1), 2241_PL_124A (House Type C4), 2241_PL_125A (House Type C5), 2241_PL_126A (House Type C6), 2241_PL_141A (House Type E1), 2241_PL_142A (House Type E2), 2241_PL_162A (House Type G2), 2241_PL_163A (House Type G3), 2241_PL_164A (House Type G4), 2241_PL_165 (House Type G4A), 2241_PL_166 (House Type G1A), 2241_PL_167 (House Type G1B), 2241_PL_181A (House Type J1), 2241_PL_183A (House Type J3), 2241_PL_184A (House Type J4), 2241_PL_185 (House Type K1), 2241_PL_200A (House Type N1), 2241_PL_201A (House Type N2), 2241_PL_202 (House Type N3), and 2241_PL_203 (House Type N4), dated 26.10.12 and received 29 October 2012;

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SUBSTATION PLAN: Drawing no. 2241_PL_191A (Typical Substation Plan/Elevations) dated 26.10.2012 and received 29 October 2012;

REFUSE STORE: Drawing no. 2241_PL_193A (Refuse and Recycling Store Plan/Elevations) dated 7.11.2012 and received 12 November 2012;

APARTMENT BLOCK FLOOR LAYOUTS: Drawing numbers 2241_PL_220B (Block A: Ground and First), 2241_PL_221B (Block A: Second and Roof), 2241_PL_222B (Block B: Ground), 2241_PL_223B (Block B: First), 2241_PL_224B (Block B: Second) and 2241_PL_225B (Block B: Roof), dated 2.11.12 and received 12 November 2012;

HOUSE TYPE ELEVATIONS: Drawing numbers 2241_PL_401A (House Type A1), 2241_PL_412 (House Type B1A), 2241_PL_413A (House Type B3), 2241_PL_414A (House Type B4), 2241_PL_415A (House Type B5), 2241_PL_421A (House Type C1), 2241_PL_424A (House Type C4), 2241_PL_425A (House Type C5), 2241_PL_426A (House Type C6), 2241_PL_441A (House Type E1), 2241_PL_442A (House Type E2), 2241_PL_462A (House Type G2), 2241_PL_463A (House Type G3), 2241_PL_464A (House Type G4), 2241_PL_465 (House Type G4A), 2241_PL_466 (House Type G1A), 2241_PL_467 (House Type G1B), 2241_PL_481A (House Type J1), 2241_PL_482A (House Type J1), 2241_PL_485A (House Type J3), 2241_PL_486A (House Type J3), 2241_PL_487A (House Type J4), 2241_PL_488A (House Type J2), 2241_PL_489 (House Type K1), 2241_PL_500A (House Type N1), 2241_PL_501A (House Type N2), 2241_PL_502 (House Type N3) and 2241_PL_503 (House Type N4), dated 26.10.12 and received 29 October 2012;

APARTMENT BLOCK ELEVATIONS: Drawing no. 2241_PL_520A (Block B: 1/3), dated 26.10.2012 and received on 29 October 2012, drawing numbers 2241_PL_510B (Block A) and 2241_PL_521B (Block B: 2/3), dated 2.11.12 and received 12 November 2012, and drawing no. 2241_PL_522A (Block B 3/3), dated 7.11.2012 and received 12 November 2012;

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

2 VISQ8 Samples of exterior materials to be approved -

3 VISQ7 Sample panel ext materials to be approved -

4 Prior to the development commencing details of the cycle parking facilities serving each dwelling (including the apartments), including means of enclosure and

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method of support, shall be submitted to and approved in writing by the Local Planning Authority. The buildings shall not be occupied until the associated cycle parking facilities and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

5 Prior to the commencement of development, including site clearance, importing of materials and any excavations, a method statement regarding protection measures for the existing trees within and immediately adjacent to the site, shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing to be shown on a plan in accordance with BS 5837; phasing of works within the zones of influence; type of construction to be used; locations for storage of materials. The method statement shall also include details of existing and proposed ground levels such that there are no changes within the potential rooting zones of the trees. The protective fence line shall be adhered to at all times during development operations to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, mechanical cultivation, parking or manoeuvring of vehicles. Within the exclusion zone there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscape works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

Reason: To ensure protection of existing trees before, during and after development which are covered by a Tree Preservation Order and/or make a significant contribution to the amenity of the area and/or development.

6 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs within the scheme. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

7 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in the following Classes of Schedule 2 Part 1 of that Order shall not be erected or constructed at dwellings referred to on the approved plans as Plots 87-88 and 282-283:

Class A - (The enlargement, improvement or other alteration of a dwellinghouse);

Class B - (The enlargement of a dwellinghouse consisting of an addition or alteration to its roof);

Reason: In the interests of the amenities of the adjoining residents, the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

INFORMATIVE:

The above condition removes the normal rights to carry out certain alterations and extensions at the properties referred to without planning permission. Please contact the Council if further clarification is required.

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, design and external appearance. As such the proposal complies with the aims and objectives of the National Planning Policy Framework and Policies GP1, GP3, GP9, NE1 and T4 of the City of York Development Control Local Plan.

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