

COMMITTEE REPORT

Date: 21 March 2013 **Ward:** Strensall
Team: Major and **Parish:** Strensall With Towthorpe
 Commercial Team Parish Council

Reference: 12/03149/FULM
Application at: The Tannery Sheriff Hutton Road Strensall York YO32 5XY
For: Residential development of 53 dwellings with associated public open space, access, infrastructure, and pedestrian and cycle bridge over the River Foss
By: Mr Paul Butler
Application Type: Major Full Application (13 weeks)
Target Date: 13 February 2013
Recommendation: Delegated Authority to Approve

1.0 PROPOSAL

1.1 This application seeks planning permission for the erection of 53 houses (11 affordable) and a pedestrian and cycle bridge. The application site which extends to 2.2 ha is to the north of the River Foss; all other development in Strensall is to the south of the river. The site is a brownfield site, it has been previously used as a tannery. The majority of the buildings have been removed with only the shell of a three storey building still existing. The Strensall Conservation Area boundary runs along the northern river bank. This river edge boundary has a well used public right of way running along the full length (it forms part of the longer distance Centenary Way, Ebor Way, and the Foss Way). The Strensall to Sheriff Hutton road runs along the eastern boundary of the site, with the grade II John Carr Bridge to the south east corner of the site.

1.2 The proposed development consists of 6 two-bedroom houses, 16 three-bedroom houses, 18 four-bedroom houses, and 13 five -bedroomed houses. This contains a mix of detached, semi-detached and short rows of terraced housing. The majority of houses are two-storey in height with fifteen houses being two and a half storey with rooms in the roof space.

1.3 It was considered that an Environmental Impact Assessment was not required for this application as it was not considered to be Schedule 1 or Schedule 2 development as identified within The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

1.4 At the time of writing the report a number of revisions had been submitted revising the layout, reducing the number of affordable houses from 13 to 11, re-

siting of the bridge so it runs parallel to the existing road bridge, and detailing land levels and boundaries adjacent to the public right of way.

1.5 The applicants undertook community involvement prior to the application being submitted. Ward Members were invited to the site to discuss the scheme with the developers. The applicant presented the proposal to the Ward Committee on Stakeholders. The applicant attended two parish council meetings. A public exhibition was held at Strensall Village Hall on 21 June 2012 (16.00 to 20.00 hours). 500 leaflets were sent to nearby residents. 61 people attended the exhibition 38 comments were received. Of these 34 Barratts state that 14 could subjectively be assessed as supportive, 11 unsupportive and 13 neutral/unclear. No pre-application advice was sought from the Development Management Team.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Strensall Village CONF

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

Floodzone 2 GMS Constraints: Floodzone 2

Floodzone 3 GMS Constraints: Floodzone 3

Listed Buildings GMS Constraints: Grade 2; Strensall Bridge, Sheriff Hutton Road
Strensall

2.2 Policies:

CYGP1 Design

CYGP3 Planning against crime

CYGP4A Sustainability

CYGP9 Landscaping

CGP15A Development and Flood Risk

CYNE2 Rivers and Stream Corridors, Ponds and Wetland Habitats

CYNE8 Green corridors

CYHE2 Development in historic locations

CYHE3 Conservation Areas

CYHE4 Listed Buildings

CYHE11 Trees and landscape

CYT4 Cycle parking standards

CYT5 Traffic and pedestrian safety

CYT7C Access to Public Transport

CYT13A Travel Plans and Contributions

CYT18 Highways

CYH2A Affordable Housing

CYH4A Housing Windfalls

CYE3B Existing and Proposed Employment Sites

CYED4 Developer contributions towards Educational facilities
CYL1C Provision of New Open Space in Development
CYT2A Existing Pedestrian/Cycle Networks
CYHE11 Trees and landscape

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT

3.1 The traffic generation for the development expected to generate 30 and 34 movements during the AM and PM peak periods respectively. Not have a material impact on the adjacent highway network or the operation of the adjacent junction of Sherriff Hutton Road and The Village. The traffic expected to be generated by the proposed development is significantly less than the movements expected to be generated (circa 200 movements during the peak periods) by previous planning permission

3.2 Sight lines at the proposed access have been provided based upon a 30 mph limit being introduced and are in accordance with nationally recognised guidance. In order to introduce a 30mph limit to replace the current derestricted section of Sherriff Hutton Road a street lighting scheme is to be introduced. In order to highlight the change in speed limit and reinforce the entry to the village and built up area a gateway scheme is to be introduced.

3.3 The internal layout has been designed to restrain vehicle speeds to 20mph or less using design features. Parking and turning within the site has been provided in accordance with CYC standards.

3.4 Pedestrian and cycle access between the main village centre/local facilities and the development is to be improved by the provision of a 3m width bridge. Provision of the bridge also includes the introduction of a new section of footway connecting the bridge to where the footway currently terminates adjacent to the Ship PH car park entrance. A new linking section of footway from the Northern landing connecting to the existing footway leading to the cemetery is also proposed.

3.5 Officers have requested funding, to be secured through a S106 agreement, of £10k to be used towards the provision of a real time BLISS display at the bus stop adjacent to the Ship PH, together with a further £2k contribution to be used towards the provision/amendment of waiting restrictions in the vicinity of the site as may be deemed necessary.

CONSERVATION OFFICER

3.6 Revisions have shown improvements

- A stronger and more frontage to the site on the Sheriff Hutton Road with a row of four houses tight to a footway with a more characteristic verge as separation from the carriageway - the precise boundary treatment to be agreed through condition.
- A small open area at the southwest corner of the site providing some separation to better respect the setting of the grade II listed bridge by John Carr.
- A revised internal road layout, a tighter form and reduced impact on the existing trees and hedges to the north boundary of the site.
- Revised levels - stepping down the site from north to south and improved separation from the river allowing the retention of nearly all the vegetation along this southern boundary of the site, protecting the setting of the conservation area and improving the setting of the development itself. The access to the river through the opening up co-incident with the pumping station is of benefit in anchoring the development to the riverside. Although again the design detail should be secured by condition.
- The impact of the new bridge has been mitigated by a revised design with a slim deck and minimum column supports. Its adjacency to the listed bridge does compromise the setting in views along the river, but the deck height has been matched as far as possible to that of the existing listed bridge so that the level of harm is reduced by the revised design.

3.7 Overall the revised proposal are still for a stand alone estate development. However, the recent amendments now better preserve the landscape belt along the south side of the site which has consistently been identified as an important contributor to the setting of the conservation area and for its landscape and biodiversity benefits. Other changes have improved the site frontage and reduced the impact on the northern boundary hedging and trees.

3.8 Conditions are required (not withstanding the detail submitted) to ensure the detail resolution of plot boundaries and materials make this development as specific to its location as possible.

ECOLOGY OFFICER

3.9 Still a very dense layout/development this does at least free up a bit more of the riverside and helps to provide more of a buffer along this corridor.

3.10 No problems in principle with rear gardens extending up to this area and the gardens will to a certain extent help to strengthen this buffer further, as residential gardens can often make a good contribution to green infrastructure providing and reinforcing wildlife corridors and green wedges, but this is provided that boundary treatments are also sympathetic. At present, the plans still showing boundaries to include close-board fencing, with some short sections of post and rail fencing. This boundary treatment is also still shown to be proposed along the northern boundary, adjacent to the mature hedgerow. This has been discussed previously, there does need to be some separation to ensure that the hedge is not constrained, and to allow for its future management.

3.11 The area immediately around the pump station is proposed to be grassed. If only a shallow substrate is all that is allowed within this easement/buffer area around the pumping station, perhaps a wildflower turf could be used over the area

3.12 In terms of survey information, it is felt that sufficient has been provided at this stage in order to consider the application, although some further survey work will likely be required as part of any Mitigation Scheme and Management Plan. The trees previously identified as being of particular interest and having bat roosting potential (T6, T18 and T19, all within the northern boundary hedgerow) are now being retained as part of the scheme, however they will need to be considered as part of any future proposed hedge and tree management, and particularly with regard to their current condition and proximity to residential properties, and so further bat survey work will be required in order to inform their sensitive management. This will also ensure their long term viability and continued provision of valuable wildlife habitat.

3.13 A full, detailed Mitigation Scheme and Management Plan will need to be drawn up for the whole of the site

3.14 Indicative locations of lighting columns for the new highways have been shown on the submitted Planning Layout diagram no further details have been provided at this stage with regard to lux levels or light spillage. This too will need to be incorporated into the Mitigation Scheme and designed to ensure that there is no ecological impact.

3.15 An agreement or covenant should be drawn up and put in place for the protection of the mature northern boundary hedgerow to ensure that future home owners do not later remove sections of the hedge or carry out unsympathetic/unfavourable management works which would be detrimental to the hedge as a whole and result in a loss of its wildlife value. This does not imply that work should not be carried out on the hedge; more that suitable management should be carried out to ensure its long term conservation as part of the proposed Habitat Management Plan.

3.16 With regard to this development overall, it does fall within the proposed Foss Green Corridor being considered as a corridor of regional importance within the emerging Local plan. As such, any development within this corridor should reflect that importance and include measures that actively maintain and enhance its value as a green corridor. The density of housing is such that only the very basic nature of the corridor has been recognised and a minimum of value maintained. Little attention seems to have been given with regard to enhancing the value of the corridor, for instance through providing a measure of natural green space to augment that already present. Indeed this lack could suggest there could be an overall decrease in value because the existing rough ground that will presently provide a measure of interest is being lost and not mitigated for other than through the establishment of some gardens. As such, the development proposals could be significantly improved not only to the benefit of wildlife but to the visual setting of this development within the rural character of this site, outside the village confines.

LANDSCAPE ARCHITECT

3.17 The village and conservation area of Strensall is distinctly contained by the river Foss. Development within the village envelope is kept a considerable distance back from the river. Thus the site represents an anomaly for the village in both aspects, and therefore requires special attention to detail.

3.18 The latest submission enables a green verge and the planting of road side trees alongside Sheriff Hutton Road, plus a shallow forecourt for the properties facing onto it. The riverside walkway broadens out at the eastern end of the site, maintaining an area of openness around the old and new bridge. The vegetation around the north east corner of the site is retained.

3.19 The River Foss corridor is recognised as green infrastructure of regional significance for its landscape, recreational and bio-diversity value.

3.20 The Foss way and Centenary way, both long distance footpaths, share the same route along the southern boundary of the site.

3.21 Further west along the Foss there are attractive views of Strensall and across to the opposite bank. From this footpath the attractive setting of Strensall can be fully appreciated. In every direction trees are a distinct and integral element of the landscape, often as a foreground or backdrop to buildings. As one approaches the site from the west along the PROW the existing trees within the site are essential components of the views and landscape character. They mark the line of the river, and make visual reference to the treed setting of the village on the opposite bank and the various copse and woodland that are part of the wider landscape character north of the village. In the more immediate context the maturing foreground trees complement the river Foss and create a very attractive green corridor along the

southern edge of the site. They also serve to provide some division/visual concealment of the site beyond.

3.22 The retention of all of the foreground trees is thus desirable, made all the more important by the properties turning their backs to the river. There is also a considerable change in level from the water's edge (which is the route that the majority of the public use) to the proposed floor levels. The extent and the specific type of housing required by the developer from this site means that it is not possible to retain the full length of tree cover. It is the integrity of the tree cover, rather than specific numbers that is important. The latest arrangement does allow retention of approximately two thirds of the length of existing foreground trees, with scope to plant some more at the eastern end.

3.23 Due to the proximity of some of the properties to the retained trees and the small garden sizes, some conflict will arise in the future due to concerns about shading (especially as the trees are on the south side) and fear of falling limbs, and seasonal fall etc. with pressure to either reduce some of the trees on a regular basis or remove some altogether.

3.24 For the trees to be retained during and after development they need to be protected and as such levels should not be altered (raised or excavated) within the root protection areas. Before any works start on site, a site-specific tree protection method statement must be agreed in writing.

3.25 In order to protect the character of the river corridor the rear garden boundaries should be as uniformly green as possible. Recommend an open metal fencing structure such as post and wire or palladin, which would support a prickly hedge, thus offering good security, habitat and visual benefit. Similarly along the northern boundary, fencing should not be solid, but should maintain light levels and air circulation to the existing hedge.

3.26 The footbridge would run through the canopy of a mature tree on the southern side. This may be surmountable with some crown lifting and pruning, but a detailed look at this would be required.

3.27 Sympathetic landscape treatment should be sought to disguise the utility of the pumping station much as possible and keep hard surfacing to an absolute minimum, the greening of which should be investigated.

PUBLIC RIGHTS OF WAY OFFICER

3.28 Until have sight of accurate drawings that show the correct alignments of the paths which then may or may not indicate if users of the definitive line are able to pass with ease under the new bridge then request to safeguard the route and users of the public footpath the developer pursues a diversion of the public footpath.

ARCHAEOLOGY OFFICER

3.29 The previous use of this site suggests that considerable truncation and disturbance of deposits has taken place. Requested an archaeological watching brief on all groundworks for this development.

HOUSING OFFICER - Comments will be reported at the committee meeting

SUSTAINABILITY OFFICER - Comments will be reported at the committee meeting

FLOOD RISK MANAGEMENT TEAM - No objections

3.30 The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the Flood Risk Assessment by Sanderson Associates, Submitted with this application are implemented and secured by way of a planning condition on any planning permission.

3.31 As the applicant has not provided information to prove the capacity of the existing outfall then the permissible discharge rate shall be restricted to that of a Greenfield based on 1.4 l/sec/Ha. Figures provided within the revised FRA by Sanderson's quotes a proposed developed area of 0.872 Ha therefore your permissible surface water discharge rate shall be no greater than 1.2 l/sec.

3.32 Request conditions to seek further information

ENVIRONMENTAL PROTECTION UNIT - No objections

3.33 Request a condition seeking a Construction Environmental Management Plan, all vehicles to be fitted with effective silencers, details of the dates, times and duration of piling operation, measures to minimise dust, carry out dust incidence measurements, times of construction, times HGVs can access the site, investigation and risk assessment of contamination, submission and implementation of remediation scheme, reporting of unexpected contamination, provision of vehicle recharge point within the garages

COMMUNITIES AND CULTURE - Comments will be reported at the committee meeting

CITY DEVELOPMENT - No objections (comments on first revision)

3.34 The site was formerly used as a tannery, but has been unused and derelict for a number of years. Given this and the approach advocated in paragraph 22 of the

NPPF, in terms of planning policy, no objection would be raised to its reuse for residential.

3.35 The proposed scheme provides a range of family homes which helps to assist housing needs, as set out in the Strategic Housing Market Assessment (SHMA) 2011.

EDUCATIONAL PLANNING

3.36 Based on a development of 53 family units (2 or more bed units) we have found; would require a contribution of £167,779 towards education. This would be to fund 14 additional places at the local primary school - Robert Wilkinson Primary.

EXTERNAL CONSULTATIONS/REPRESENTATIONS

ENVIRONMENT AGENCY (comments on first revision, comments current revision will be reported at the committee meeting)

3.37 Proposed development will only meet the requirements of the NPPF if the measures detailing the FRA are implemented and secured by planning conditions

3.38 Request conditions for risk assessment regarding the contamination of the site; surface water should be passed through a series of trapped gullies proper to being discharged into the water course

ENGLISH HERITAGE

3.39 The application should be determined in accordance with national and local policy guidance, and on the basis of specialist conservation advice

YORKSHIRE WATER (comments on first revision, comments current revision will be reported at the committee meeting)

3.40 The revised drawing recently submitted (12 / 575 / 6106 by James Eaton Design) that appears to try and show stand-off distance from nearest sewage pumping main centre-line and effect upon proposed site layout. However, as far as Yorkshire Water are aware, no trial holes have been undertaken to confirm the actual site surveyed location of the sewage pumping mains crossing the site.

CONSERVATION AREAS ADVISORY PANEL - Object (comments on first revision, comments regarding most recent revision will be reported at the committee meeting)

3.41 The site is within a transitional zone between the built up village and the open agricultural land beyond. As revised, the proposed development retains a suburban appearance, out of keeping with its surroundings. The revised bridge design is

inelegant and should be pulled further away from the existing bridge. The panel supports the re-use of the existing building on the site.

3.42 The panel felt that this was a suburban estate attached to a village and the scheme would adversely affect the setting of the Conservation Area and would be inappropriate in this location. The architectural design and layout of the properties does not take account of the setting of the Conservation Area. The density of the properties is too high in this location.

3.43 The panel felt that there should be no new build over 2 storeys and that there should be a screen of trees to protect the views. The panel also felt that the river frontage had not been taken account of in the design. The panel were also concerned regarding the proximity of the new pedestrian bridge to the existing Grade 2 listed bridge.'

FOSS INTERNAL DRAINAGE BOARD

3.44 Insufficient evidence exists to suggest that a surface water discharge rate of 1.4 l/s per hectare would be incorrect and would therefore object to any proposed discharge rate in excess of this. The applicant should now be asked to produce a viable scheme whereby the discharge can be shown to be attenuated in accordance with the "Greenfield" run off rate.

3.45 Request conditions requesting additional drainage details, and informatives regarding maintenance of the water course resting with the riparian owners, no work or structures within 9 metres of the top of the bank, further consents required from the Drainage Board

CANAL AND RIVER TRUST

3.46 No objections raised

POLICE ARCHITECTURAL LIAISON OFFICER

3.47 A number of properties are unfortunately giving unrestricted access from front to rear. Since the majority of burglaries take place at the rear, it is important that secure rear gardens are provided. Rear gardens should be fully enclosed by the use of gates or a combination of gates, fencing or walling to a minimum height of 1.8m. Plot 1, 3, 4, 5, between plots 20 & 21, 27 & 28, 32, 35, 30, 31, 41, 47, 48, and 54

STRENSALL PARISH COUNCIL - Object (comments on first revision, comments regarding current revision will be reported at the committee meeting)

3.48 The main purpose of the footbridge was to provide a safe route for walkers and cyclists who wish to cross the bridge and proceed down Sheriff Hutton Road.

The new design and route of the footbridge does not address this and therefore anyone using it would have to walk or cycle through the development to exit onto Sheriff Hutton Road. If the bridge is to be positioned here it would require a separate arm to provide direct access to Sheriff Hutton Road.

3.49 The proposed amenity space has been reduced considerably to accommodate the new position of the bridge

3.50 There is still no provision of play equipment, nearest playground at Northfields in excess of 400 metres distance

EAST YORKSHIRE AND DERWENT AREA RAMBLERS - Object (comments on first revision, comments regarding current revision will be reported at the committee meeting)

3.51 In view of the future greater use of this path and its proximity to the river's sloping bank we would appreciate a usable width of at least 4 metres set back from the bank top by at least 1 metre and at least 1 metre from any nearby planting.

3.52 It is not clear how the path will relate to the proposed footbridge and again a minimum width of 4 metres from any part of the footbridge, existing bridge and any part of the development, allowing extra for any seasonal growth from nearby planting.

3.53 One plan shows the footpath passing under the footbridge and emerging between the footbridge and the road bridge, whilst another shows the path emerging between the footbridge and the development. Given a choice, would prefer the path to emerge on the road side of the footbridge, to give easier access to the continuing path on the opposite side of the road, subject to adequate headroom under the footbridge. This would avoid any conflict with cyclists using the footbridge to avoid the narrow Listed John Carr Bridge.

3.54 amend the residential development to ensure adequate allowance is made for this path, which for some years has not always been easy to use in this locality due to the condition of the river bank and squeezing the available width due to drainage work relating to the river bank. This should be remedied before the application is determined.

3.55 Believe the original North Riding Definitive Map showed the path going under the road bridge and it was possible to use the stone edge under the bridge to reach the old lock. Was used in the 1960's and 1970's.

RIVER FOSS SOCIETY (to original scheme)

3.56 Many of the trees along the river bank at this site were originally planted by the River Foss Society. We trust that they will be retained.

3.57 The public footpath bordering the River Foss and the development site is not in a good state. If the development goes ahead, it is likely to be more frequently used, perhaps by children on their way to the Primary School, and we would like to see it levelled and given a permeable surface.

3.58 We are not convinced that the plans for dealing with drainage from the site are satisfactory. The pumping station at Cobbs Cottage is already under pressure and has been the source of sewage leaks into the River Foss. We do not wish the risk of further pollution to be increased.

3.59 The John Carr Bridge over the River Foss is the jewel in Strensall's crown. Recognise the need for safe pedestrian and cycle access into the Village but consider the position and proposed design of the new footbridge to be detrimental to it.

3.60 To provide better fishing and to prevent further erosion of the banks of the River Foss we recommend that the opportunity be taken to repair the weir, which we understand to be the responsibility of the owners of the Tannery site.

NEIGHBOUR AND OTHER REPRESENTATIONS

3.61 1 LETTER OF SUPPORT (to original scheme)

- Help to mitigate the housing shortage in the area
- Design is pleasing and would enhance the village

3.62 1 LETTER OF OBJECTION (to original scheme)

- Had problems with flooding from manhole cover within The Village, problems have worsened in the last 12 years as development has increased in the village, have been flooded 7 times. Also a problem with flooding from the manhole opposite Tesco which has flooded surrounded house, the road, and public house car park

3.63 13 LETTERS OF OBJECTION (to the original scheme submitted via Parish Council)

- Good layout, but can the front 1200mm high railings be replaced with more soft landscaping, will give the streetscene a more rural setting
- Essential that a pedestrian access over existing bridge or another bridge alongside is provided
- Small play area for children be provided
- Existing problem with foul and surface water drainage within the village, a further 53 dwellings will exacerbate the issue
- Generate more vehicles using an already congested road, increasing village traffic

- The riverbank has a natural character and would like it to be over managed
- Control and safety of pedestrian particularly children from the new housing crossing the road to shops
- Proposed bridge design could have been more aesthetically pleasing
- In the drainage impact statement developer does not know if a pumping station is required
- Impact on the facilities within the village such as the school
- The proposed access to the site is too close to a bend in the road, resulting in safety concerns
- Too many dwellings
- Proposal together with the future growth of Strensall makes the case for railway station

4.0 APPRAISAL

RELEVANT SITE HISTORY

01/02856/OUT - Outline application for business park (Class B1) - Approved

Other planning history relates to the extensions and hardstanding areas to the Tannery building complex

KEY ISSUES

- The principle of residential development
- Increase in land levels
- Impact to the conservation area and the surrounding character
- Bridge
- Design and visual appearance
- Affordable housing
- Residential amenity of occupants of the proposed houses
- Neighbouring amenity
- Highways
- Drainage
- Sustainability
- Crime prevention
- Open space
- Education

PLANNING POLICY

4.1 The National Planning Policy Framework (NPPF) indicates a strong presumption in favour of sustainable development. There are three dimensions to sustainable development: economic, social, and environmental. These roles should not be

undertaken in isolation, because they are mutually dependent. The core principles within the NPPF states always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; use of previously developed land is encouraged. The Framework places strong importance on significantly improving the supply of quality affordable and market housing to meet needs.

PRINCIPLE OF DEVELOPMENT

4.2 The development consists of 53 houses on 2.2 hectares of land. The site is a brownfield site it is not allocated as a development site in the proposals maps of the Local Plan. However within the Strategic Housing Land Availability Assessment 2011 it is detailed as having the potential to accommodate dwellings if the constraints can be mitigated. The site is within the Strensall settlement envelope however the site appears physically detached and is out side the natural boundary of Strensall by virtue of being sited north of the River Foss. The site has been in use as a tannery since the 19th century, this use ceased a few years ago. The site is bounded by the river to the south, and fields and trees to the west. To the north there is some minor development but it is modest in scale and the general character is rural. The east of the site is the Sheriff Hutton Road with the river further east. The Strensall Conservation Area includes the river and the northern bank including public right of way and the band of trees. The site projects into the open countryside. The site is prominent by way of its location immediately adjacent to the entrance into Strensall from the north.

4.3 The aim of Local Plan Policy E3b is to retain employment sites in employment uses. The site has been derelict for some time and the site has been marketed, the sign on site indicated that it was being marketed for residential. The applicant states that no viable scheme has come forward but has not submitted any details of the marketing or the interest in the site nor demonstrated that there is sufficient supply of employment land elsewhere in the area. However the NPPF makes clear that the long term protection of sites for employment use when there is no reasonable prospect of a sites being used for that purpose should be avoided.

4.4 Two thirds of the site is within Flood Zone 2 the other third along the northern boundary of the site is Flood Zone 1, parts of the river bank are flood zone 3. All residential development would be within the areas classified as FZ 1 and 2. Flood Zone 2 is considered to be acceptable for residential development as set down in the Strategic Flood Risk Assessment (2011)

4.5 Policy H4a 'Housing Windfalls' of the Local Plan states that permission will be granted for new housing development on land within the urban area providing: it is vacant/derelict/underused or involves infilling, redevelopment or conversion; has good access to jobs, shops and services by non-car modes; and, is of an

appropriate scale and density to surrounding development and would not have a detrimental impact on existing landscape features.

4.6 The provision of the proposed bridge is considered to create good access to shops and services by non-car modes. The density of the development is just over 24 dwellings per hectare and is relatively similar to the area of Strensall directly adjacent.

DESIGN AND VISUAL APPEARANCE

4.7 Policy GP1 'Design' of the City of York Council Development Control Local Plan includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

4.8 The scale of the dwellings are larger than the housing in the adjacent part of village, however The development has been set back from the road and the majority of the development has been set back from the river edge which lessens the impact. The site currently slopes gently down from the northern boundary towards the river. The land levels would be slightly increased towards the river boundary, from the cross section it would appear that the land levels would not exceed 0.5 metre above the existing however further information regarding where the land would be raised is required. In four locations there would be a retaining wall varying between 0.25 metres and 0.35 metres. The revised plans shows the development set back from the river and would result in the retention of many of the trees along this river boundary, and the integrity of the tree belt is considered to be maintained. In addition the hedge and trees along the northern boundary and to the east of plot 1 are considered to be of visual amenity importance, the plans show these been retained.

4.9 The proposed development includes four houses fronting onto Sheriff Hutton Road. These houses are set back from Sheriff Hutton Road by 9 to 10 metres with railings and soft landscaping to the front, with the pavement set away from road. The hedging adjacent/east to Plot 1 is being retained as is has considerable visual amenity and creates a buffer when travelling along north along the road to reduce the built up nature of the development. The vehicle access would be from this eastern boundary.

4.10 There is an area of open space is set around the bridge where it lands on the north bank. The space along the river bank has also been widened to take account of the definitive and used public right of way; there are minor landscaping elements within the development.

4.11 The proposed development includes 11 different house types to provide some variety and individuality to the houses. The house designs are generally traditional. All houses have pitched gable roofs the majority of the dwellings are of traditional proportions. The materials have not been specified and it is considered that the details can be sought via a condition. In this location the palette of materials selected should compliment the existing houses in the area with more than one brick type to assist in the break up the visual mass of the proposed development. It is considered further details of the buildings could be sought via a condition for example, sills, lintels, the recess of the windows and doors etc.

4.12 38 of the proposed houses would be two storeys in height. The house types have some variety in height but generally eaves vary in height between 4.8 metres and 5.2 metres, the height to the roof ridge varies between 7.9 - 9.3m in height to the ridge. 15 of the houses (2 designs) would be two and a half storeys in height with rooms in the roof. These dwellings would be 5.2 metres and 6.6 metres to the eaves and 9.6 metre and 10.6m in height to the ridge. The two and half storey dwellings are located throughout the site, although they are not within the main elevation facing Sheriff Hutton Road, they will be visible from both bridges and the road. By virtue of where these dwellings are located within the site they are not considered to be unduly prominent in the context of the housing development.

4.13 The landscaping around and within this development is considered to have considerable importance to the success of this development and how it sits within the surrounding landscape. A general landscaping plan has been submitted however it is not considered to show sufficient details and as such it is considered that a further landscaping plan is submitted detailing species and the siting of the plant. In addition a management scheme should be part of the Section 106 so that these areas can be managed and maintained.

4.14 There are elements of the proposal that require further revision , the garage to plot 48 is set against the rear boundary with the river boundary, together with its tall height it would be unduly prominent when viewed from the open space, bridge, and public right of way. It is considered that it could be set into the plot three parking space are provided, a reduction to 2 would still be within the CYC parking standards. In addition the layout shows parking provision reduced for Plots 49 and 50 to provide a larger garden for Plot 50 however they are still shown in the landscaping plan.

4.15 The revised boundary details indicate a 2 metre high close boarded fence which is not considered to be appropriate along the sensitive southern and northern

boundaries. The fencing would appear harsh adjacent to the conservation area and within a relatively rural area. A more appropriate treatment that would respect these boundaries should be considered for example palladin or a post and wire fence, which would support a prickly hedge, thus offering good security, habitat and visual benefit. This is also considered to provide the occupants with sufficient privacy: the public right of way is likely to be used during the day only, and the path is not illuminated. In addition the retention of the swath of trees along the river bank together with the hedge along the northern boundary will also add to the privacy screening for the proposed dwellings. It is considered that permitted development rights for boundary treatment should be removed so the visual amenity and ecology of the north and south boundaries of the site can be maintained. Revised boundary treatment could be sought via a condition.

4.16 The outlines of conservatories are shown on the layout for the larger proposed dwellings. The intention is for the developer to offer these at additional cost so they may not be constructed. It is considered that it could be conditioned to ensure only the specified units may have conservatories. Given the sensitive nature of the site and the close proximity of proposed dwellings it is considered prudent to condition the removal of permitted development rights.

IMPACT TO THE CONSERVATION AREA AND THE SURROUNDING CHARACTER

4.17 Policy HE2 'Development in Historic Locations' states that within or adjoining conservation areas, and in locations which affect the setting of listed buildings, scheduled monuments or nationally important archaeological remains (whether scheduled or not), development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials. Proposals will be required to maintain or enhance exiting urban spaces, views, landmarks, and other townscape elements which contribute to the character or appearance of the area

4.18 The revised proposal is still for a stand alone estate development. The recent amendments better preserve the landscape belt along the south side of the site which has consistently been identified as an important contributor to the setting of the conservation area and for its landscape and biodiversity benefits. In addition the set back of the dwellings from Sheriff Hutton Road reduces their prominence. The retention of the majority of the trees and hedges to all boundaries mitigates the impact of the proposal on the setting of the conservation area. The provision of open space around the northern landing of the bridge provides some separation between the conservation area and bridge and the development. The conservation officer has raised concerns regarding the boundary treatment, revised details can be sought via a condition. The proposal is not considered to adversely impact on the setting of the conservation area.

PUBLIC RIGHT OF WAY

4.19 There is a public right of way running along the top of the northern river bank, it forms part of longer walks such as the Ebor Way and the Centenary Way. The layout takes into account the definitive right of way (which appears unused) and the existing right of way.

4.20 It is proposed that the paths would run under the new bridge. The submitted plans show a clearance of 2.1 metres after some excavation of the existing bank to reduce the level; however the bridge elevations do not appear to correctly show the siting of the definitive and used public right of way. An increase in the height of the bridge to give an acceptable clearance would result in it being taller than the listed bridge which is not considered to be acceptable by virtue of the impact on the listed bridge and also the negative impact on the conservation area and the undue prominence of the bridge. It is considered to be more appropriate to divert the path to avoid the new bridge, an application under the s.257 Town and Country Act will be required.

BRIDGE

4.21 Policy HE4 'Listed Buildings' states that consent will only be granted for the following types of development where there is no adverse effect on the character, appearance or setting of the building: development in the immediate vicinity of listed buildings; demolition; internal and external alterations; change of use; erection of satellite antenna.

4.22 One of the core principles of the National Planning Policy Framework (NPPF) is to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed by their contribution to the quality of life of this and future generations. The NPPF advises that it is desirable that the significance of listed buildings is maintained and that they are kept in viable uses which are consistent with their conservation. Great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Any harm would require convincing justification

4.23 The proposed bridge is of a simple design with a relatively long span; the bridge will not be taller than the full height of the existing bridge. The principle of the bridge and proposed location are considered to be acceptable, the bridge will accommodate pedestrian and cycle traffic. The access the bridge provides to the shops and other village facilities make the proposed site a sustainable location for development. Without the bridge the site would not be considered sustainable as pedestrian access is not safe over the current bridge. The proposed bridge will affect a number trees on the southern bank, no tree assessment has been submitted despite numerous requests, it is considered that ideally this information

should be submitted prior to a decision been made, these trees are considered to make a positive contribution to the conservation area. The proposed bridge will significantly impact on the setting of the listed bridge; views of the listed bridge will be obscured from the west. The NPPF states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, LPAs should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. The proposal would result in 53 additional dwellings being constructed, and it is considered that redevelopment of derelict land for residential use outweighs the negative impact to the setting. The impact of the bridge to the wider Strensall Conservation Area is considered to be neutral.

AFFORDABLE HOUSING

4.24 11 of the proposed units will be affordable housing, the tenure is still under discussion, an update will be provided at the committee meeting. The affordable units are 4 x 2 beds (house type P206), 4 x 3 beds (house types P347 and T338), and 3x 4 bed dwellings (house type SH48). The units would account for 20% of the housing supply proposed on this site and this is in line with revised CYC target of 20%. The dwellings are pepper-potted throughout the site.

RESIDENTIAL AMENITY OF OCCUPANTS OF THE PROPOSED DWELLINGS

4.25 One of the NPPFs' core principles is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Each dwelling has a private rear garden. Dwellings are sited and designed in such a way as to provide a reasonable level of amenity and natural light within the dwellings.

4.26 The site by virtue of its previous use has a number of significant contamination issues. The applicant has submitted two surveys of the site and the Environmental Protection Unit is satisfied with these initial details. They have requested that additional information regarding the decontamination of the site be sought via conditions.

4.27 The proposed dwellings are considered to be set a sufficient distance away from the retained trees along the southern boundary so reducing the potential for pressure to fell these trees at a later date.

NEIGHBOURING AMENITY

4.28 The application site has housing to the south and the north. The proposed development achieves separation distances of minimum 74 metres between the proposed and Hawthorn Mews to the south of the river. The separation distance between the proposed development and Tannery Field, the dwelling to the north of

North Lane is at its closest 104 metres. This is considered more than adequate to maintain privacy and outlook from the existing dwellings.

4.29 The proposed development would introduce additional vehicles into Strensall. However, given the size of the development proposed and the fact that Sheriff Hutton Road is a well used key route in and out of the city and to surrounding uses, it is not considered that any neighbouring amenity objection could be sustained on the grounds of traffic numbers.

HIGHWAYS

4.30 Policy SP8 seeks to reduce dependence on the private car within new developments through, amongst others, accessibility and linking the development with surrounding uses. Policy T7c seeks to ensure all new developments are within 400m of a frequent bus service. Policy T4 seeks to promote cycle parking to encourage sustainable transport choice.

4.31 Concerns have been raised regarding the traffic generation of the proposed development. The development could be expected to generate in the region of 30 and 34 movements during the AM and PM peak periods respectively. This will not have a material impact on the adjacent highway network or the operation of the adjacent junction of Sherriff Hutton Road and The Village. The traffic expected to be generated by the proposed development is also significantly less than the movements expected to be generated (circa 200 movements during the peak periods) by the previously considered and approved redevelopment of the site for employment use (01/02856/OUT). Parking and turning within the site has been provided in accordance with CYC standards.

4.32 Access to the site is to be taken from the east boundary to Sherriff Hutton Road. The sight lines at the proposed access have been provided based upon a 30 mph limit being introduced and are they are considered to be in accordance with nationally recognised guidance. In order to introduce a 30mph limit to replace the current derestricted section of Sherriff Hutton Road a street lighting scheme is to be introduced. In order to highlight the change in speed limit and reinforce the entry to the village and built up area a gateway scheme is to be introduced. The works are likely to include at least the following measures; signing, lining, contrasting carriageway surfacing and some form of gateway feature such as a village entry nameplate/stone. It is considered that these works can be sought via a condition

4.33 The provision of the bridge also includes the introduction of a new section of footway connecting the bridge to where the footway currently terminates adjacent to the Ship Inn car park entrance. A new linking section of footway from the northernmost bridge landing connecting to the existing footway leading to the cemetery is also proposed as part of the scheme providing a continuous pedestrian route from the village to the cemetery.

4.34 The Highway Management Team have requested £10k to be used towards the provision of a real time BLISS display at the bus stop adjacent to the Ship PH, together with a further £2k contribution to be used towards the provision/amendment of waiting restrictions in the vicinity of the site as may be deemed necessary. It is considered that this can be secured through a S106 agreement.

ECOLOGY

4.35 Policy NE1 'Trees, Woodlands and Hedgerows' seeks to protect trees that are of landscape, amenity or nature conservation value by, inter alia, refusing development proposals that would result in their loss and by seeking appropriate protection measures when they are proposed for removal. Appropriate replacement planting will be sought where trees are proposed for removal. Policy NE2 'River and Stream Corridor, Ponds and Wetland Habitats' states that development which is likely to have a detrimental impact on the natural features of river and stream corridors, ponds or wetland habitats will not be permitted. Their environmental and amenity value will be conserved and enhanced by: protecting existing natural features and marginal vegetation and encouraging their reinstatement when lost; resisting development that would have an adverse impact on their landscape character; promoting the maintenance, enhancement and, where appropriate, the restoration of their character; ensuring the design of structures and engineering works are appropriate in form and scale to their setting.

4.36 Policy NE8 'Green Corridors' states that planning permission will not be granted for development, which would destroy or impair the integrity of green corridors and stepping stones. Conversely development that ensures the continuation and enhancement of green corridors for wildlife will be favoured.

4.37 The River Foss corridor is recognised as green infrastructure of regional significance for its landscape, recreational and bio-diversity value. Subsequently it has been identified as one of York's 'green wedges' to be protected and possibly enhanced in the CYC 'Green Corridors Technical Paper' 2011. The existing trees along the southern boundary are considered to have a positive impact on the site and would be an element of screening of the proposal when it is viewed from the footpath but also from wider and further views. Therefore the retention of these trees is considered to be important to the visual amenity and setting of the site. The latest revision shows the majority of the trees retained along this river corridor. The landscaping plan details that 13 would be removed, with 22 being retained. The landscaping plans show over half the retained trees would be within domestic curtilages, and additional tree planting is proposed along the river boundary. It is considered that the trees should be protected and this can be sought via a condition and within the Section 106.

4.38 The northern boundary of the site is marked by a species rich hedge and trees which would provide some screening of the proposed development from the north. Council officers assessed this hedge under the Hedgerow Regulations 1997, and it more than meets criteria for protection and would be classed as an 'important' hedgerow. The retention of this hedge is considered to be important to the visual amenity and setting of the proposal and the village. The plans are showing the hedge and trees along this boundary being retained to the north of the proposed boundary fence to prevent future occupants of the dwellings removing the hedge and trees. The retention of the trees and hedge can be sought via a condition and the maintenance of these trees and hedge would be part of the Section 106.

4.39 Policy NE7 'Habitat Protection and Creation' states that Development proposals will be required to retain important natural habitats and, where possible, include measures to enhance or supplement these and to promote public awareness and enjoyment of them. Within new developments measures to encourage the establishment of new habitats should be included as part of the overall scheme.

4.40 The site is a good commuting and foraging corridor for bats. The retention of the trees along the river edge is considered to be important for this habitat as well as visual amenity. In addition there is evidence of otters using this stretch of river. It is considered that a habitat mitigation plan can be conditioned which would provide details of the ecological enhancement of the site as a whole, including provision of an otter holt and roosting facilities for bats. Some of the trees that are shown as being retained along the northern boundary are considered to have the potential to be good roosting sites for bats, further survey work is required if works or felling of these tree are proposed. However as discussed above the retention of the tree and hedges along the site boundaries is recommended to be sought via a condition. The Ecology and Landscape Officers have concerns regarding the proposed boundary, close boarded fencing, and the impact on the southern and northern boundary, on the ecology of the fauna but also in providing enough circulation space to the trees and hedges, as discussed above the revised boundary treatment can be conditioned.

DRAINAGE

4.41 Consultation responses have been received from the Foss Internal Drainage Board and the Council's own Flood Risk Engineer. The Environment Agency and Yorkshire Water comments to the revised plans will be reported at the committee meeting. All consultation responses covered the areas of drainage which they are responsible for. Full drainage details have not yet been provided and therefore a number of conditions are sought requiring all details to be agreed prior to the commencement of development. Such conditions are recommended later in this report.

4.42 A Yorkshire Water Main runs underneath the northern part of the site. Yorkshire Water has previously requested that buildings are set away 3 metres from the Main. The applicant has not determined the exact position however they have confirmed that if the main is found to be within 3 metres of the proposed buildings then they will request that it be moved at their cost. The main should not be moved to underneath the northern boundary hedge and trees. The protection of this boundary will be sought via a condition but also within the Section 106.

SUSTAINABILITY

4.43 Policy GP4a requires issues of sustainability to be considered within planning applications. As mentioned previously by virtue of the proposed bridge the proposal is considered to be a sustainable location as the bridge provides access to shops and other amenities within the village. There is access to a regular bus service within 150 metre of the sites. Each house would have access to the rear garden without having to go through the building. This allows bins to be stored to the rear of the houses and away from public view.

4.44 The Interim Planning Statement on Sustainable Design and Construction states that developments of this type and scale should achieve Code for Sustainable Homes Level 3 with 10% of expected energy demand to be generated on-site through renewable sources. The applicants have confirmed that the development would achieve Code for Sustainable Homes level 3 and that 10% of expected energy demand would be generated through on-site renewables. For the development to comply with the policy and interim planning statement it is considered that details of the renewable energy generation can be secured through a condition.

CRIME PREVENTION

4.45 Development Control Local Plan Policy GP3 requires new developments to incorporate crime prevention measures. This includes achieving natural surveillance of public spaces and paths, satisfactory lighting, and secure location for cars and cycle parking. The Police Architectural Liaison Officer (PALO) has raised concerns regarding the lack of gated access between the front and rear of some of the dwellings. Planning has a role in balancing sometimes conflicting aims. The gating of the gaps between dwellings and the domestic boundary would create an urban and stark appearance. It is considered that the proposed development reaches the balance between crime prevention and creating an attractive development.

OPEN SPACE

4.46 Some open space has been provided within the site however it does not meet the thresholds of Policy L1c. The site falls within the 10 min/480m accessibility area

for the provision of facilities for children (5 – 6 proposed houses would be outside of the boundary) as set out in the Open Space and Recreation Study 2008. The site also falls within the boundaries of the areas where there is an acceptable provision of amenity green space in relation to facilities for children. The quality of the existing equipped play provision in the area also appears to be good. As such the site does not appear to fall within the area that is deficient in children play areas.

4.47 The response from the Communities and Neighbourhoods team will be reported at the committee meeting. It is expected that payment towards childrens play facilities and their upkeep will be requested. This can be secured through a Section 106 agreement.

EDUCATION

4.48 Development Control Local Plan Policy ED4 states that the impact of new residential developments on local schools needs to be considered. Supplementary Planning Guidance to this policy sets out criteria for assessing the required financial contribution to be sought from residential developments. This contribution is based on need following an assessment of the existing capacity and number of pupils at local schools. Based on this guidance it is the conclusion of the Education Department that sums towards the provision of 14 primary school places at Robert Wilkinson School are required. No sums are sought towards secondary education. Therefore a sum of £167,779 is sought through a Section 106 agreement.

5.0 CONCLUSION

5.1 The proposed development would provide a mix of market and affordable housing in line with current guidance. The development has been designed to modern highway standards to reduce vehicle speeds and encourage pedestrian movement. The proposal would introduce a mixed residential scheme in a sustainable location (following the construction of the pedestrian and cycle bridge) and is considered to be generally acceptable.

5.2 It is recommended that the decision is delegated to officers to approve following further submission of information (regarding the increase in land levels, the trees to be affected by the bridge, the relocation of the garage on Plot 48) and subject to any further conditions required to secure a successful development and subject to the completion and signing of a Section 106 agreement covering education contribution, affordable housing, open space, retention of the trees and hedges along the boundaries, maintenance of these boundaries and the landscaped areas within the proposed development, contribution to highway works.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Delegated Authority to Approve subject to the completion of a legal agreement under section 106 of the Town and Country Planning Act and subject to the following conditions and any additional conditions required following the submission of further information.

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

- Drawing Number 10:1061:01 Revision D received 8 March 2013
- Drawing Number 10:1061:10 Revision B received 8 March 2013
- Drawing Number 35338/003 Revision K received 7 March 2013
- Drawing Number 35338/004 Revision C received 8 March 2013
- Drawing Number R/1305/1H received 11 March 2013
- Drawing Number R/1305/2 received 7 March 2013
- Drawing Number 10:1061:130 Revision B received 7 March 2013
- Drawing Number 10:1061:131 Revision A received 7 March 2013
- Drawing Number 10:1061:133 received 7 March 2013
- Drawing Number 10:1061:135 Revision A received 7 March 2013
- Drawing Number 10:1061:136 received 7 March 2013
- Drawing Number 10:1061:137 Revision A received 7 March 2013
- Drawing Number 10:1061:138 received 7 March 2013
- Drawing Number 10:1061:139 Revision A received 7 March 2013
- Drawing Number 10:1061:140 received 7 March 2013
- Drawing Number 10:1061:1000 Revision A received 8 March 2013
- Drawing Number 10:1061:1001 Revision A received 8 March 2013
- Drawing Number 10:1061:1002 Revision A received 8 March 2013
- Drawing Number 10:1061:1003 Revision A received 8 March 2013
- Drawing Number 10:1061:1004 Revision A received 8 March 2013
- Drawing Number 10:1061:1005 Revision A received 8 March 2013
- Drawing Number 10:1061:1006 Revision A received 8 March 2013
- Drawing Number 10:1061:1007 received 8 March 2013
- Drawing Number 10:1061:1008 received 8 March 2013
- Drawing Number 10:1061:1009 received 8 March 2013
- Drawing Number 10:1061:1010 received 8 March 2013
- Drawing Number 10:1061:1011 received 8 March 2013
- Drawing Number 10:1061:1012 Revision A received 8 March 2013
- Drawing Number 10:1061:1013 Revision A received 8 March 2013
- Drawing Number 10:1061:1014 Revision A received 8 March 2013
- Drawing Number 10:1061:1015 Revision A received 8 March 2013
- Drawing Number 10:1061:1016 Revision A received 8 March 2013
- Drawing Number 10:1061:1017 Revision A received 8 March 2013
- Drawing Number 10:1061:1018 Revision A received 8 March 2013
- Drawing Number 10:1061:1019 Revision A received 8 March 2013
- Drawing Number 10:1061:1020 Revision A received 8 March 2013
- Drawing Number 10:1061:1021 Revision A received 8 March 2013

Drawing Number 10:1061:1022 Revision A received 8 March 2013
Drawing Number 10:1061:1023 Revision A received 8 March 2013
Drawing Number 10:1061:1024 received 8 March 2013
Drawing Number 10:1061:1025 received 8 March 2013
Drawing Number 10:1061:1026 Revision A received 8 March 2013
Drawing Number 10:1061:1027 Revision A received 8 March 2013
Drawing Number 10:1061:1028 Revision B received 8 March 2013
Drawing Number 10:1061:1029 Revision B received 8 March 2013
Drawing Number 10:1061:1030 Revision A received 8 March 2013
Drawing Number 10:1061:1031 Revision A received 8 March 2013
Drawing Number 10:1061:1032 Revision B received 8 March 2013
Drawing Number 10:1061:1033 Revision B received 8 March 2013
Drawing Number 10:1061:1035 Revision A received 8 March 2013
Drawing Number 10:1061:1036 Revision A received 8 March 2013
Drawing Number 10:1061:1037 Revision A received 8 March 2013
Drawing Number 10:1061:1038 Revision A received 8 March 2013
Drawing Number 10:1061:1039 Revision A received 8 March 2013
Drawing Number 10:1061:1040 Revision A received 8 March 2013
Drawing Number 10:1061:1041 Revision A received 8 March 2013
Drawing Number 10:1061:1042 received 8 March 2013
Drawing Number 10:1061:1043 received 8 March 2013
Drawing Number 10:1061:1044 received 8 March 2013
Drawing Number 10:1061:1045 received 8 March 2013
Drawing Number BDW/O/01 received 7 March 2013
Drawing Number BDW/O/02 received 7 March 2013
Drawing Number 6617-001 Revision A received 8 March 2013
Drawing Number 6617/004 Revision B received 7 March 2013
Drawing Number 6617/005 Received 7 March 2013-03-11
Section B-B received 8 March 2013
Section C-C received 8 March 2013
Section D-D received 8 March 2013
Section E-E received 8 March 2013
Site Sections received 11 March 2013;

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

2 TIME2 Development start within three years -

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used bricks, roof tiles, pavements, window sills, windows and doors shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

4 The dwellings hereby approved shall not be occupied until the pedestrian and cycle bridge (Drawing Number 35338/004 Revision C received 8 March 2013, Drawing Number 6617/004 revision B received 7 March 2013, and Drawing Number 35338/003 Revision K received 7 March 2013) has been constructed and access can be gained across the bridge by the occupants.

Reason: To ensure safe access to the village for pedestrians and cyclists from the proposed site. Without the bridge the site is considered to be an unsustainable location.

5 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials and finished to be used for the bridge shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

6 Prior to the commencement of development a large scale vertical cross section through a typical front elevation illustrating eaves detail, window and door profiles and set back in reveal, window sills, lintels, and feature window surrounds, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: In the interests of the visual amenity of the street scene.

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 Classes A, B, D, E, F of Schedule 2 Part 1 of that Order shall not be erected or constructed.

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.

8 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Development Order 1995), (or any Order revoking or re-enacting that Order), no fences, gates, walls or other means of enclosure shall be erected.

Reason: To protect the visual amenity of the boundaries of the site as a whole in this sensitive location adjacent to the river, conservation area, and surrounding rural character. To prevent an urban appearance at odds with the surrounding character.

9 Details of all means of enclosure to the site and dwelling boundaries, 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 occupied.

Reason: In the interests of the visual amenities of the area. The boundary treatment proposed in the plans was considered to be harmful to the visual amenity and ecology of the area.

10 Prior to the commencement of the development, the developer shall submit for the written approval of the Local Planning Authority an initial Code for Sustainable Homes (CSH) Design Stage assessment for the development. Unless otherwise agreed in writing with the Local Planning Authority, this shall indicate that at least the minimum code level 3-star rating will be achieved. This shall be followed by the submission of a CSH Post Construction Stage assessment, and a CSH Final Certificate (issued at post construction stage). These documents shall be submitted to the Local Planning Authority after completion and before first occupation of the building. Both documents submitted shall confirm that the code rating agreed in the initial CSH Design Stage assessment has been achieved.

Reason: To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction

11 No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority to demonstrate how the development will provide 10% of its predicted energy requirements from on-site renewable sources. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the local planning authority. The approved scheme shall be implemented before first occupation of the development. The site shall thereafter be maintained to the required level of generation.

Reason: To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction

12 A full lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall detail the locations, heights, design and lux of all external lighting. The development shall be carried out in accordance

with the approved lighting scheme.

Reason: In the interests of the amenities of nearby occupants and visual amenity.

INFORMATIVE: There should be no direct illumination of foraging, roosting and commuting habitat and any light spillage should be minimised as much as possible. The river corridor and northern boundary hedgerow should be retained as a dark corridor to enable their continued use as vital commuting and wildlife corridors.

13 ARCH2 Watching brief required -

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

a. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

b. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other

property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c. Implementation of Approved Remediation Scheme

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

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

15 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the previous condition, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the previous condition.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

16 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. 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.

17 LAND3 Protection of existing planting -

18 Before the commencement of and during building operations, adequate measures shall be taken to protect the trees and hedges shown as being retained on drawing Number R/1305/2 received 7 March 2013 Drawing Number R/1305/1H received 8 March 2013. Land levels should not be altered (raised or excavated) within the root protection areas. A site specific tree protection method statement shall be agreed in writing with the Local Planning Authority and shall be implemented prior to the stacking of materials, the erection of site huts or the commencement of building works.

Reason: The existing planting is considered to make a significant contribution to the amenities of this area.

19 The trees and hedges shown as being retained Drawing Number R/1305/1H received 8 March 2012, Drawing Number R/1305/2 received 7 March and Drawing Number 10:1061:01 Revision D received 8 March 2013 in particular to the site boundaries shall not be removed.

Reason: In the interests of the visual amenity of the site, the conservation area, the public rights of way, and the wider area. In the interest of the ecology of the site.

20 HWAY1 Details roads, footpaths, open spaces req. -

21 HWAY18 Cycle parking details to be agreed -

22 HWAY19 Car and cycle parking laid out -

23 HWAY40 Dilapidation survey -

24 HWAY31 No mud on highway during construction -

25 HWAY41 Safety Audit -

26 Prior to first occupation of any dwelling on the development hereby approved, the following highway works shall have been completed in accordance with drawing(s) which have been submitted to and approved in writing by the Local Planning Authority;

- (i) provision of a pedestrian/cycle bridge of unobstructed width of 3m together with associated connecting footways between the junction of The Village and the Sherriff Hutton Road and the cemetery to the North of the development site. Such works to also include the provision of ancillary works as may be required including dropped kerbs, tactile paving, signing and lining as may be required and indicatively shown on drawings no 35338/004 Revision C received March 2013, 35338/003 Revision K received 7 March 2013, 6617-004 Rev B received 7 March 2013
- (ii) provision of a scheme of street lighting between the junction of The Village and Sherriff Hutton Road to a point 60m North of the site access
- (iii) provision of a village gateway entry treatment to include, signing, lining, contrasting carriageway surfacing and village entry nameplate/stone as indicatively shown on drawing no 6617-001 Revision A received 8 March 2013.

Reason: In the interests of providing a safe means of access to the site by all modes of transport and to promote sustainable travel.

27 Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the LPA. Such a statement shall include at least the following information;

- the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- where contractors will park
- where materials will be stored within the site
- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

28 HWAY7 Const of Roads & Footways prior to occup -

29 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Sanderson Associates, ref. 6620/TW/001/02, dated March 2013 and the following mitigation

measures detailed within the FRA:

- (i) Limiting the surface water run-off generated by the 1 in 100 critical storm so that it will not exceed the run-off from the developed site and not increase the risk of flooding off-site.
- (ii) Finished floor levels are set no lower than 16.21m above Ordnance Datum (AOD).
- (iii) Flood proofing measures as detailed on pages 13 and 14 are incorporated into the development.
- (iv) Permeable materials are to be used for areas of hard standing and footways.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of disposal of surface water from the site. To reduce the risk of flooding to the proposed development and future occupants.

30 The development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The details shall include:

In accordance with City of York Councils Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards peak surface water run-off from the development must be attenuated to that of the existing rate (based on a Greenfield run off rate of 1.40 l/sec/ha). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. Therefore maximum surface water discharge = 1.2 l/sec

Details of flow control manhole and method of attenuation to be submitted limiting the maximum surface water discharge to maximum 1.2 l/sec.

Provision of a topographical survey showing the proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site and that provision has been made to maintain it.

31 Surface water draining from areas of hardstanding shall be passed through a trapped gully or series of trapped gullies, prior to being discharged into any watercourse, soakaway or surface water sewer. The gully/gullies shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to the occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water shall not pass through the gully/gullies.

Reason: To reduce the risk of pollution to the water environment.

32 The proposed conservatories shown on Drawing Number 10:1061/01 Revision D received 8 March 2013 and detailed in Drawing Number BDW/O/01 received 7 March 2013 shall only be constructed on Plots 2, 3, 4, 5, 16, 28, 29, 30, 31, 32, 35, 41, 42, 48, 49, 50, 52, and 53 and the conservatory detailed in Drawing Number BDW/O/02 received 7 March 2013 shall only be constructed to the dwellings on Plots 6, 10, 43, 51 and 54. These conservatories shall only be constructed while the host dwelling is being constructed. They shall not be constructed after this time without the written consent of the Local Planning Authority.

Reason: To protect the residential amenity of the neighbouring dwellings and to protect the visual amenity of the area. Permitted development rights have been removed for this development.

33 Prior to any works commencing on site, a construction environmental management plan (CEMP) should be submitted and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration and dust resulting from the site preparation, demolition, groundwork and construction phases of the development. Once approved, the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

All machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities, shall be minimised in accordance with the guidance provided in British Standard 5228 (1984) Code of Practice; 'Noise Control on Construction and Open Sites', and Minerals Planning Guidance Note 11 (1993) 'The Control of Noise at Surface Mineral Workings'.

All piling operations shall be carried out using the method likely to produce the least vibration and disturbance. Full details of the dates, times and duration of operations

shall be submitted to and approved in writing by the Local Planning Authority before any piling operations are begun and piling operations shall take place in accordance with the approved details.

At all times during the carrying out of operations authorised or required under this permission, best practicable means shall be employed to minimise dust. Such measures may include water bowsers, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Local Planning Authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption.

The operator shall provide and install all necessary monitoring equipment to carry out dust incidence measurements in accordance with arrangements and at location(s) to be agreed with the Local Planning Authority. The Local Planning Authority shall have freedom of access to all dust monitoring records and results from the site on request.

Except in case of emergency, no construction operations which are audible beyond the boundary of the site shall take place on site other than between the hours of 08:00-18:00 Monday to Friday and between 09:00-13:00 on Saturdays. There shall be no working on Sundays or Public Holidays. The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

During the construction process heavy goods vehicles shall only enter or leave the site between the hours of 08:00-18:00 on weekdays and 09:00-13:00 Saturdays and no such movements shall take place on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).

Reason: To protect the amenity of neighbouring residents during the construction phase of this development.

34 Prior to the commencement of development, a habitat mitigation and enhancement scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include a method statement for the protection of habitat during construction and the post development management of the area. The development shall be carried out and managed in complete accordance with the approved details.

Reason: In the interests of nature conservation.

35 Prior to the commencement of development details of the materials to be used and the appearance of the retaining walls shall be submitted to and approved in

writing by the Local Planning Authority. The development shall be carried out and managed in complete accordance with the approved details.

Reason: In the interests of the visual amenity of the site, the public right of way, and the surroundings

36 Prior to the bridge coming into use details of the means of surfacing of the land underneath the bridge shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: In the interests of the setting of the listed building and the conservation area.

37 If it's required to move the Yorkshire Water main running underneath the site to attain a sufficient separation distance between the proposed dwellings and the main, the main shall not be moved within the root protection area of the hedge and trees on the northern boundary

Reason: To protect the hedge and trees along the northern boundary for their visual amenity and ecology.

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: the principle of residential development, design and visual appearance, impact to the conservation area and the listed bridge, boundary treatment, retention of the existing trees and hedges, residential amenity of occupants of the proposed houses, neighbouring amenity, highways, drainage, sustainability, open space and education provision, and landscaping. As such the proposal complies with Policies GP1, GP3, GP4a, GP9, GP15a, NE2, NE8, HE2, HE3, HE4, HE11, T2a, T4, T5, T7c, T13a, T18, H2a, H4a, E3b, ED4, and L1c of the City of York Development Control Local Plan and guidance within the National Planning Policy Framework.

2. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to

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achieve a positive outcome:

- Revisions to layout, position of the bridge, requested additional information such as heritage statement, habitat assessment etc
- Application of conditions and Section 106

3. FOSS INTERNAL DRAINAGE BOARD INFORMATIVE

MAINTENANCE RESPONSIBILITY - GENERAL

The proposed development is within the Board's area and is adjacent to the River Foss, which at this location, is maintained by the Board under permissive powers within the Land Drainage Act. 1991. However, the responsibility for maintenance of the watercourse and its banks rests ultimately with the riparian owner.

RIPARIAN MAINTENANCE RESPONSIBILITY

Any watercourse adjacent to and/or affected by this development is not maintained by the Board. The responsibility for the continued maintenance of any such watercourse and its banks rests ultimately with the riparian owners.

CONSENT - GENERAL

Under the terms of the Land Drainage Act. 1991 and the Board's Byelaws, the prior written consent of the Board is required for any proposed works or structures in, under, over or within 9 metres of the top of the bank of any watercourse.

CONSENT - OUTFALL

Any new outfall to a watercourse requires the prior written consent of the Board under the terms of the Land Drainage Act. 1991 and should be constructed to the satisfaction of the Board.

CONSENT - DISCHARGE

Under the Board's Byelaws the prior written consent of the Board is required prior to any discharge being made into any watercourse within the Board's District.

4. YORKSHIRE WATER INFORMATIVE

If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), they should contact Yorkshire Water Developer Services Team (telephone 0845 120 84 82) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Sewers for

Adoption - a design and construction guide for developers' 6th Edition as supplemented by Yorkshire Water's requirements.

The Applicant/Developer should also note that:

- 1) the submitted drawing should show foul and surface water drainage proposals both on and off site
- 2) a proposal by the Applicant/Developer to alter/divert a sewage pumping main will be subject to YW requirements

5. 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 ro works commencing

6. LEGAL AGREEMENT

Your attention is drawn to the existence of a legal obligation under Section 106 of the Town _ Country Planning Act 1990 relating to this development

7. EPU INFORMATIVE

In line with the Council's Low Emission Strategy, any developer should strive to promote the use of low emission vehicles on site via provision of necessary infrastructure. In order to facilitate the uptake and recharging of electric vehicles / bikes / scooters within the garage on the site, it is recommended that the developer should install a standard domestic 13A electrical socket on an internal or external wall. This should be capable of charging at a minimum of 3KWh for up to 8 hours without overheating the cabling or socket. Ideally, a 13/32Amp socket should be supplied which can offer up to 7KWh continuous charging with a control and protection function on a specific circuit (to avoid overload through use of other appliances on the circuit). Where mounted on an external wall, a suitable weatherproof enclosure for the socket will be required.

8. INFORMATIVE:

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

(b) 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".

(c) 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.

(d) 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.

(e) 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.

(f) There shall be no bonfires on the site

9. 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:

Section 38/278 - Michael Kitchen (01904 551336)

10. PROW INFORMATIVE

Insufficient information has been submitted to demonstrate the clearance beneath the bridge for the definitive and the used public right of way can be achieved. As such an application to divert the path under the Town and Country Act will be required.

Contact details:

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