

COMMITTEE REPORT

Date: 5 September 2013 **Ward:** Acomb
Team: Major and **Parish:** Acomb Planning Panel
Commercial Team

Reference: 13/01833/FULM
Application at: Former Civic Amenity Site Beckfield Lane York
For: Erection of 18no. dwellinghouses and 9no. apartments with associated works following demolition of existing buildings
By: City of York Council
Application Type: Major Full Application (13 weeks)
Target Date: 12 September 2013
Recommendation: Delegated Authority to Approve

1.0 PROPOSAL

1.1 This application seeks planning permission for the erection of 18 houses (9 affordable) and a block of 9 flats (all affordable). The 0.48 ha brownfield site was last used as a household waste recycling centre, and was closed in April 2012. There are two buildings remaining on site, these are in a poor state of repair and will be demolished

1.2 The proposed development consists of 8 two-bedroom houses and 10 three-bedroom houses. This contains a mix of semi-detached and short rows of terraced housing. The 2 bed houses will be two storey in height and the three bed dwellings will be 2 ½ storeys in height with rooms in the roof space. The apartment building will contain 6 two bed flats and 3 one bed flats, and will be three storeys in height. Pedestrian and vehicle access to the site would be from Old School Walk.

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 Revised plans have been submitted which show a reduction in the number of houses by one, resulting in a set back of Unit 1 from Old School Walk and larger separation between 13 and 15 Turnberry Drive and the proposed dwelling to the north (now Unit 8). Units 15 to 18 have been set further back from Beckfield Lane to take account of the mature trees along the site boundary. The 2 east west terraces have been moved 3.6 metres west and terrace containing Units 12 to 14 has moved south by 1 metre. The proposed footpath and cycle path between the proposed development and Beckfield Lane has been removed.

1.5 The applicants undertook a community involvement exercise prior to the application being submitted. A public exhibition was held at Carr Junior School on the evening of 8 May 2013. 129 invitations were sent to residents and businesses in the locality, in addition local ward Members were invited. Posters advertising the event were placed on notice boards in the area. 16 attendees formally registered their attendance, 11 of which gave written feedback. The main issue raised concerned traffic generation. Other issues included the presence of bats, how the construction would be managed, drainage issues, additional open space and play equipment to meet increased demand, preference for older people to occupy the apartments, and opportunities for renewable energy, wind turbines etc.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

Schools GMS Constraints: Northfield 0255

2.2 Policies:

CYGP1
Design

CYGP3
Planning against crime

CYGP4A
Sustainability

CYGP9
Landscaping

CGP15A
Development and Flood Risk

CYT4
Cycle parking standards

CYT5

Traffic and pedestrian safety

CYT13A

Travel Plans and Contributions

CYH4A

Housing Windfalls

CYED3

Change of use of Pre-School, Primary and Secondary Educational Facilities

CYL1C

Provision of New Open Space in Development

CYC3

Change of use of community facilities

CYH2A

Affordable Housing

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT - No objections

3.1 Based upon the nationally recognised TRICS database a residential development of this number of units can be expected to generate in the region of 16 vehicular movements during the AM/PM peak network hours. This level of traffic generation is likely to be lower than that which could have been expected during peak periods of operation of the amenity site and will also be likely to result in reduced levels of HGV traffic.

3.2 The main vehicular access into the development is to be taken from Old School Walk. This existing residential access road has been designed and constructed to CYC standards is 5.5m wide and capable of accommodating the modest increase in traffic which will be generated by the proposed development. There will be no detrimental impact on the operation of the junction of Old School Walk and Beckfield Lane. The design of the junction is of sufficient width and offers visibility in accordance with national guidance.

3.3 Old School Walk currently benefits from a system of build outs to restrain vehicle speeds. This principle is to be retained albeit in a slightly different design.

3.4 The main access into the site will take the form of a dropped vehicular crossing in order to maintain a low key entrance whilst also ensuring pedestrian priority. The immediate area surrounding the new access is a non-priority shared space area. This design seeks to restrain vehicle speeds whilst encouraging pedestrian use of the area. Visibility from the proposed access over the shared space is in accordance with the relevant national guidance.

3.5 2 dwellings will be served via a new double dropped vehicular crossing onto Beckfield Lane. The kerb, footway and verge area in the area will be made good as part of the works.

3.6 The internal layout has been designed in accordance with Manual for Streets principles as a shared space. The layout seeks to restrain vehicle speeds to 20mph or below whilst also using design features to manage on-street parking.

3.7 Parking has been provided in accordance with CYC Annex E maximum standards. In order to further ensure that the level of parking proposed is reasonable, data from the 2011 census on car ownership levels for the ward has been interrogated. This has identified that 20.7% of households in the ward do not own or have access to a car. The level of car parking proposed with the development compares favourably to the census data on car ownership for the ward.

3.8 The internal layout will be constructed and offered for adoption as public highway under a Highways Act Agreement. Vehicle swept paths have demonstrated that a refuse vehicle can enter and turn within the site enabling them to leave in a forward gear.

3.9 The site is considered to be in a sustainable location with good pedestrian and cycle facilities in the local area. Local facilities and bus stops served by frequent public transport services are within recognised walking distances of the site.

3.10 A residential Travel Plan Pack detailing sustainable travel information such as bus timetables will be provided to first occupiers. Each dwelling also benefits from covered and secure cycle parking, which in the case of the apartment block is located within the building footprint.

3.11 Request conditions: HWAY1, HWAY7, HWAY17 (kerb, footway and verge), HWAY18, HWAY19, HWAY39 (provision of a traffic calming scheme on Old School Walk incorporating managed on-street parking facilities), HWAY40, and Method of Works. Informative: INF 1(S38/278), and INF 2
LANDSCAPE ARCHITECT - No objections

3.12 Detailed planting plan can be acquired under condition LAND 1.

3.13 Require detail for front garden (street side) boundary for plots 6 and 7 and the relationship to the retained trees.

3.14 request a condition for specific tree protection method statement

SUSTAINABILITY OFFICER

3.15 The Sustainability Statement submitted in support of the application demonstrates how the proposal aims to comply with most of the requirements of the Interim Planning Statement on Sustainable Design and Construction (2007) and policy GP4a of the draft Local Plan Policy GP4a of the City of York Draft Local Plan Incorporating the 4th set of changes.

3.16 In particular, the applicant states a sustainable strategy to reducing basic energy demand in the proposed properties, and to achieving Level 4 of the Code for Sustainable Homes with a 44% improvement in energy consumption compared to current statutory building regulations. This will be achieved by designing out features with high energy demand, and designing in a thermally efficient, air tight construction. However, to ensure compliance with the IPS (2007) which requires at least level 3 of the Code to be achieved, recommend applying a condition for compliance to be demonstrated at the Design and Procurement and Post Construction Stages.

3.17 The IPS (2007) also requires that for 10 dwellings and more that at least 10% of the expected energy demand for the development will be provided through on-site renewable energy generation for heat and / or electricity. It is acknowledged that in the Design and Access Statement that roof pitches have been orientated to provide space for an array of photovoltaic (PV) panels to each property; however, it states that these will be fitted post completion by the Local Authority or as private initiatives. I therefore recommend applying a condition to ensure compliance with the IPS. I also recommend that before works start, that evidence should be submitted to the Local Authority in the form of the SAP Worksheet to illustrate how the PVs installations will meet 10% requirement (in kWh/yr). If the requirements of the condition are deemed to not be feasible or viable the applicant should submit evidence demonstrating this.

3.18 Whilst not a requirement of the IPS for this type of development, but as there will be associated demolition works, I would also encourage measures to maximise the reclamation of materials for recycling and reuse.

FLOOD RISK MANAGEMENT TEAM

3.19 The following information should be provided for us to determine the potential impact. Formal agreement must also be sort from Yorkshire Water with regards to the abandonment of their existing foul and surface water sewers shown on Existing and Proposed Drainage Layout drawing number S121947/WA/-C-101/A by Atkins. If the above can be satisfied or at least in receipt of written agreement 'in principle' then the LPA can condition any approval to carry out foul and surface water drainage works as per the most recent submission of drainage details.

ENVIRONMENTAL PROTECTION UNIT

3.20 Regards the noise assessment. Have concerns about the potential loss of amenity to residents of the proposed dwellings as a result of noise from the chiller units located to the rear of the takeaway units on Beckfield Lane. It is essential that the offending chiller unit is investigated further and works carried out to mitigate the noise being produced to an acceptable level necessary to ensure that the development can proceed without loss of amenity. Should agreement be reached between the developer of the site and the owner of the chiller, such that the noise level is reduced and repairs or replacement undertaken, then there would be no objections. In the event that discussions between the developer and chiller owner are unproductive then it must be up to the applicant to demonstrate to the local planning authority that they have done all that they could reasonably be expected to do to address the chiller noise issue. Should the local planning authority then choose to approve the application and the Council then receive complaints from residents of the new housing, the Environmental Protection Unit could use its powers under the Environmental Protection Act 1990 to deal with any allegation of noise nuisance.

3.21 EPU officers visited the area and noted that whilst there was some odour noticeable directly next to the takeaway buildings, a combination odour from the Indian and the Pizza/Kebab shop. However once beyond the boundary wall to the rear of the shops the odour was not noticeable. Officers also visited Old School Walk, Turnberry Drive or Greensborough Avenue where odours were not detected. It is also worthwhile noting that directly above the three takeaway units are a number of residential flats. As a result EPU is satisfied that there is unlikely to be any loss of amenity to the proposed residential dwellings due to odours, and the proposals are therefore acceptable.

3.22 A phase 1 report was submitted with the application and indicated that there were a number of potential sources of contamination present onsite, which are associated with its previous use as a household waste recycling site and as a council depot. As a result it is possible that there are residual contaminants present on site. The phase 1 report recommended that a Phase 2 investigation be undertaken to assess the nature and extent of any potential contaminants.

3.23 Request conditions for: sound insulation, Construction Environment Management Plan, hours of demolition and construction, investigation of land contamination, four Electric Vehicle Recharging Point

COMMUNITIES AND CULTURE

3.24 As part of the LDF process the Council undertook a PPG17 study Sport Recreation and Open Space study in 2007, this was adopted by the Council in December 2008. The study mapped and quality audited open space across York. As a result the Council seeks 106 contributions where a) there is a shortfall in provision within the defined catchment for each typology and b) where there is a shortfall in quality of existing provision - a schematic of this process is set out on page 188 of the above document.

3.25 Beckfield Lane is in the Acomb Ward. The situation in the Ward is as follows : across all the typologies there is already a deficit in provision of open space in all of the 7 typologies- see below:

- a) city and local parks - shortfall of 1.49 hectares
 - b) natural and semi natural open space - shortfall of 15.40 hectares
 - c) amenity green space -shortfall of 10.10 hectares
 - d) children's play space - shortfall of 1.97 hectares
 - e) provision for teenagers - shortfall of 1.74 hectares
 - f) outdoor sports - shortfall of 6.48 hectares
 - g) allotments - shortfall of 1.63 hectares
- Combined situation - net shortfall of 38.81 hectares of open space

3.26 In summary there are significant levels of under provision of open space in the area and that the open space that does exist has potential to be improved.

3.27 Seek an open space payment of £37,468

EDUCATIONAL PLANNING

3.28 Seek an education contribution of £59, 920 towards 5 school places at Carr Infant/Junior School

EXTERNAL CONSULTATIONS/REPRESENTATIONS

YORKSHIRE WATER - Comments will be reported at the committee meeting

POLICE ARCHITECTURAL LIAISON OFFICER - The only concern I had in respect of the initial design and layout was the incorporation of a foot and cycle path link leading from the development into Beckfield Lane. I highlighted that this undermined the "defensible space" of the development by creating a "leaking" cul-de-sac (access and escape route) and its inclusion so close to one of the plots (Plot 19) could result in the quality of life of the residents of that plot being severely affected as a result of nuisance/anti-social behaviour. I note from the amended drawings that this foot and cycle path link has now been "designed out". I therefore have no concerns or issues to raise regarding the proposal and "designing out crime".

1 REPRESENTATION OF OBJECTION (to revised scheme)

3.29 Proposed development specifically 2.5/3 storey dwelling would overlook dwelling in Greensborough Avenue which backs onto this development. Bought property as it was not overlooked. Do not object to the development of the site but consider that a lower (1 or maximum 2 storey) property would be more appropriate and respect the privacy of existing properties.

13 REPRESENTATIONS from neighbouring dwellings (to original scheme) (6 letters of objection, 5 giving comments, and 2 letters of support)

3.30 Overlooking from the proposed flats

3.31 The road is very narrow on Old School Lane next to the junction with Beckfield Lane and the increased number of vehicles using this highway will create congestion and potentially result in accidents. This will also cause problems to pedestrians also.

3.32 The proposed new junction is close to the entrance used by (football club) which will cause concern to parents.

3.33 There does not appear to have been a full assessment of the additional pressures on local services which this will cause.

3.34 The Plans have differed from those presented at the public open day. Residents have not been given the chance to comment, with some not knowing that the Public Open Day was taking place, too few getting letters advising them of the planning application

3.35 The proximity of Plot 9 to 13 Turnberry Drive, would extend across 90% of shared boundary, on the plans shown at the meeting was shown as 50%. The proposed windows on the side elevation of Plot 9 would result in a loss of privacy. Were assured that tree and shrubs in objectors garden would not be removed, plans show that they are to be removed. Concerned about possible damage to the tree / shrub roots in garden. Impact to outlook. Only dwelling neighbouring the proposed

site which does not have a garden to garden boundary. Concerned regarding the height of the proposed dwellings and the proximity to the complainant's garden, would appear over-dominant and overbearing.

3.36 Potential solar panels on the roofs will cause a glare. The design of the houses is not in-keeping with surrounding properties.

3.37 That the planning of the development does not demonstrate adequate water drainage so as to not affect nearby properties.

3.38 No allocated parking and limited spaces within the development, residents on the new development will be forced to park in the streets surrounding, namely Old School Walk, Beckfield Lane, Turnberry Drive and Sunningdale Close, all of which are already heavily congested at times.

3.39 Position of street lighting causing light pollution to surrounding property windows.

3.40 Loss of privacy to the dwellings on Greenborough Avenue, loss of privacy in garden areas

3.41 Loss of light

3.42 Proposed development specifically 2.5/3 storey dwelling would overlook dwelling in Greensborough Avenue which backs onto this development. Bought property as it was not overlooked. Do not object to the development of the site but consider that a lower (1 or maximum 2 storey) property would be more appropriate and respect the privacy of existing properties.

3.43 Concerned regarding the disruption and pollution caused by construction

3.44 Supportive towards this site being used for housing as there is a housing shortage in York, and the site is not left derelict.

3.45 Overdevelopment of site - Unit 19 should be removed

3.46 The development of the site would make it a cleaner and safer environment

3.47 Proximity of Plot 9 and 15 Turnberry Drive, at consultation event was shown as 2 storeys with no windows; plans show 3 storey dwelling with windows.

3.48 Concerned regarding the long term appearance and maintenance of the cladding

3.49 The parking bays on Old School walk would add to the congestion

3.50 Proposed vehicle access may encourage anti social behaviour and crime. Opening up the old school walk development to the proposed development will encourage more anti social behaviour with the children currently living on site and the children that will live on the new site, it will encourage more noise, disruption, crime

3.51 Impact to surrounding housing values by virtue of the proximity to Council housing

3.52 Flats should be altered to single storey and have private outside space

3.53 The path between the proposed development and Beckfield Lane should be removed

4.0 APPRAISAL

RELEVANT SITE HISTORY

05/00619/GRG3 - Outline application for residential development including means of access - Pending

All other applications relate to the previous use of the site as a household waste recycling centre.

KEY ISSUES

- The principle of residential development
- Design and visual appearance
- Affordable housing
- Residential amenity of occupants of the proposed houses
- Neighbouring amenity
- Highways
- Drainage
- Sustainability
- Crime prevention
- Open space
- Education

ASSESSMENT

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 In principle, the proposed use is compliant with both national and local policy. National policy requires Local Planning Authorities to significantly boost housing supply. The site is in an appropriate location for residential development; within the urban area, and it is classed as previously developed land, where policy steers new development. The National Planning Policy Framework requires planning to be positive in the provision of community facilities and to enhance the sustainability of communities and neighbourhoods. The proposed residential development is considered to be of a scale, design, and layout that fits comfortably within its suburban surroundings, and the site has been unused for 16 months since its last use and as such it could be argued that it is no longer required as a community facility. In addition it has been designated as a housing site within the emerging Local Plan. For these reasons the proposal is considered to comply with Policy C3 'Change of Use of Community Facilities' and Policy H4a 'Housing Windfalls'.

AFFORDABLE HOUSING

4.3 The NPPF requires LPA's identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand, and where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified.

4.4 The City of York's current policy is that on brownfield sites such as this the affordable housing on-site requirement is 20%. The target would be met in this case. The 9 apartments (1 and 2 bed) would be affordable housing and 9 (5 x 3 bed and 4 x 2 bed) of the 18 dwellings would be retained in Council ownership. The development is predominantly for 2 and 3 bed houses, which are the house types in most need in the city, according to York's Strategic Housing Market Assessment.

The principle aim of the apartments is to allow people to downsize into these properties. The intention is that the proposed affordable housing element will be for social rent. The remaining houses will be sold on the open market. There is the potential for the number of market housing to increase, however it is not envisaged that this would increase to more than 50% of the total number of dwellings proposed.

DESIGN AND VISUAL APPEARANCE

4.5 The NPPF advises that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. In terms of housing design and layout the NPPF requires development is safe, accessible, fit for purpose, responds to local character and context and/or is of innovative design. Local Plan Policy GP1 refers to design, for all types of development. It states that development proposals will be expected to, respect or enhance the local environment. The proposals reasonably comply with these policy requirements.

4.6 The proposed development includes four different house types to provide variety and individuality to the development. The house types and apartment building share many similar characteristics and matching design details such as the feature timber cladding and the feature brick detailing. The proposed buildings would be constructed of red brick with grey flat tiles. There would be landscaped areas within the development and each of the houses has planters to the front to provide an element of defensible space and mitigate the impact of the hardstanding. Each house would have access to the rear garden without having to go through the building. This allows bins and cycles to be stored to the rear of the houses and away from public view. The apartment building will have refuse bin enclosure, in addition there is secure cycle store within the ground floor circulation space.

4.7 The majority of the development faces into the site. The design of the proposed dwellings and the pattern of development is considered to be compatible within the residential area. As with the surrounding development the design of the proposed development reflects the period it is designed. The height of the 2½ storey dwellings and the 3 storey apartment building are similar to that in the recent housing development to the north west.

4.8 Vehicle and pedestrian access to the proposed site would be from Old School Walk; the buildings have been set back from this northern boundary. Currently this part of Old School Walk is bounded by relatively high brick walls, the plans indicate that the boundary treatment to the apartment building would be 1.1 metre high railings which will help reduce the sense of enclosure within the street and is considered to positive contribution to the visual amenity of the street. The

appearance of the proposed development is considered to be acceptable within the Old School Walk streetscene.

4.9 Four of the proposed dwellings will front onto Beckfield Lane and they keep to the existing forward building line within Beckfield Lane. The proposed dwellings have been set back to ensure that the trees along this boundary can be retained as they are considered to make a significant positive contribution to the tree lined streetscene on Beckfield Lane. The retention of these trees also contributes to the development fitting into the streetscene.

4.10 The Police Architectural Liaison Officer originally raised concerns regarding a proposed path between a Beckfield Lane and the development; this has been removed from the proposal.

RESIDENTIAL AMENITY OF OCCUPANTS OF THE PROPOSED DWELLINGS

4.11 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 house has a private rear garden. The flats have their own private balcony areas as well as a communal garden area. The dwellings are sited and designed in such a way as to provide a reasonable level of amenity and natural light within the dwellings.

4.12 The site by virtue of its previous uses has a number of contamination issues. The applicant has submitted a phase 1 report 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.

4.13 A noise survey has been submitted which concluded that there was an issue with one of the air conditioning units to the rear of the adjacent Almsford House. The conclusion of the survey was that there was sufficient noise disturbance from this AC unit that there was the potential for complaints from the future occupants of the proposed dwellings. The applicant approached the Manager of the takeaway at 4 Almsford House to assist him in fixing or replacing the equipment. The offer of assistance was not accepted. The Council has, therefore, taken reasonable steps to overcome the issue of potential noise nuisance. For this reason, should the Council receive complaints regarding the noise disturbance from this AC unit once the development is occupied, the Environmental Protection Unit could use its powers under the Environmental Protection Act 1990 to investigate and deal with the matter.

4.14 The proposed dwellings (units 15 to 18) are considered to be set a sufficient distance away from the retained trees along the eastern boundary, therefore reducing the potential for pressure to fell these trees at a later date.

AMENITY OF THE OCCUPANTS OF THE NEIGHBOURING DWELLINGS

4.15 The apartment building would be 24.7 metres from the dwellings to the north (Sunningdale Close), the majority of the primary rooms face into the development (south), with the private balcony areas to the south elevation. The primary accommodation that does face north has an access balcony immediately in front so there is a distance 26.4 metres between primary room windows and the dwellings to the north. This distance is considered to be acceptable and is not considered to cause undue overlooking and result in a loss of privacy. The distance is also considered to be sufficient to prevent a loss of light to the dwellings of Sunningdale Close. The design and the separation distance also prevents the apartment block from being unduly overbearing. The view from the upper floors of the dwellings on Sunningdale Close would alter however it is not considered to result in an unreasonable loss of outlook.

4.16 Unit 15 is not considered to cause a loss of light to 90 Beckfield Lane. The side elevation that faces the proposed dwelling has a glazed door and no windows. The siting of the dwelling does not result in a loss of amenity to 90 Beckfield Lane.

4.17 The minimum distance between the terraces (running east west) and the dwellings on Turnberry Drive would be 27.3 metres. The proposed terraces include 2 and 2 ½ storey dwellings, the distance is considered to be sufficient to protect the residential amenity of the occupants of the dwellings on Turnberry Drive.

4.18 The relationship of Unit 8 to 13 and 15 Turnberry Drive has been improved in the revised plans. The proposed distance would be 19.5 and 20.5 metres respectively. There are trees along the full boundary of 15 Turnberry Drive, and some shrubs along the shared boundary with 13 Turnberry Drive. The side elevation facing 13 and 15 Turnberry Drive would be 6.6 metres to the eaves height and the roof would slope away, the proposed dwelling would have a total height of 9 metres. The plans show a parking space between the proposed dwelling and the shared boundary with Turnberry Drive in addition to some planting. The side elevation would have two windows: a ground floor window to a WC and a first floor window to a landing, the plans show the windows of this unit being obscurely glazed. The distance between Unit 8 and 13 and 15 Turnberry Avenue is considered to be acceptable and is not considered to result in harm to the residential amenity of the occupants of these dwellings. In addition there is screening provided by the existing trees. The windows in the side elevation by virtue of being for secondary rooms, in addition to the distance, and being obscurely glazed are not considered to result in a overlooking or a loss of privacy to the occupants of 13 and 15 Turnberry Drive.

4.19 The distance between the two storey dwellings (units 4 and 5) and 15 and 17 Greensborough Avenue to the west would be 21.8 metres. This degree of

separation is considered to be acceptable and would not unduly impact on the residential amenity of the occupants of these dwellings.

4.20 The rear elevation of House Type 1 proposed for Units 1, 2, 3, 6, 7 and 8 does not have a 2nd floor window in the rear elevation. The distance between the 2 ½ storey dwelling Unit 6 and 11 Greensborough Avenue to the rear/west would be 24 metres. The distance is considered to be sufficient to protect the residential amenity of the occupants of Greensborough Avenue. The proposed dwellings, whilst relatively tall, by virtue of the design (especially the roofscape) are not considered to be unduly overbearing to the dwellings in Greensborough Avenue. The view from the rear of nos 7, 9, 11, 13, 15 and 17 Greensborough Avenue will alter from being relatively open and unobstructed to that of an increased density of development. However, the loss of a view is not a material planning consideration.

HIGHWAYS

4.21 The main vehicular access into the development is to be taken from Old School Walk. Old School Walk is considered capable of accommodating the modest increase in traffic which will be generated by the proposed development. It is considered that there will be no detrimental impact on the operation of the junction of Old School Walk and Beckfield Lane. The design of the junction is of sufficient width and offers visibility in accordance with national guidance. Old School Walk currently benefits from a system of chicanes to restrain vehicle speeds. This principle is to be retained but in a slightly different design. A new pinch point and chicane system has been designed and will be provided through the development which will continue to restrain vehicle speeds whilst also providing areas of managed on-street parking and limited street planting/soft landscaping.

4.22 The main access into the site will take the form of a dropped vehicular crossing in order to maintain a low key entrance whilst also ensuring pedestrian priority. The immediate area surrounding the new access is a non-priority shared space area. The internal layout has been designed in accordance with Manual for Streets principles as a shared space. The layout seeks to restrain vehicle speeds to 20mph or below whilst also using design features to manage on-street parking. Two dwellings will be served via a new double dropped vehicular crossing onto Beckfield Lane.

4.23 Data from the 2011 census on car ownership levels for the ward has been interrogated, this has identified that 20.7% of households in the ward do not own or have access to a car. The level of car parking proposed within the development (30 spaces) is in accordance with CYC Annex E maximum standards and compares favourably to the census data on car ownership for the ward.

DRAINAGE

4.24 The surface water drainage proposals are considered to be acceptable save in one respect, in that part of the proposal includes the abandonment of the existing foul and surface water sewers. Formal agreement is required from Yorkshire Water for the abandonment which has not yet been submitted. If the abandonment can not be agreed then further surface water drainage proposals may be required. At the time of writing the report Yorkshire Water had yet to comment on the revised proposal and additional drainage information. A verbal update will be given at the committee meeting.

SUSTAINABILITY

4.25 Policy GP4a requires issues of sustainability to be considered within planning applications. The site is considered to be in a sustainable location with good pedestrian and cycle facilities in the local area. Local facilities and bus stops served by frequent public transport services are within recognised walking distances of the site. A residential Travel Plan Pack detailing sustainable travel information such as bus timetables will be provided to first occupiers. Each dwelling also benefits from covered and secure cycle parking, which in the case of the apartment block is located within the building footprint.

4.26 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 4 and that 10% of expected energy demand could 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 should be secured through a condition.

OPEN SPACE AND EDUCATION PROVISION

4.27 Policy L1c of the Local Plan states developments for all housing sites will be required to make provision for the open space needs of future occupiers. Policy ED4 advises that in considering proposals for residential development any consequences for existing schools will be assessed. When additional provision is required as a result of the proposals, developers will be required to make appropriate financial contributions.

4.28 No open space has been provided within the site. In accordance with policy L1c the applicant will make a contribution towards off-site provision of amenity open space, childrens play space and sports facilities within the area. The Council seeks open space payments where a) there is a shortfall in provision within the defined catchment for each typology and b) where there is a shortfall in quality of existing provision. In the Acomb ward there is a deficit in provision of open space in all of the 7 typologies. There are significant levels of under provision of open space in the Acomb ward and that the open space that does exist has potential to be improved as such an open space payment of £37,468 is required.

4.29 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 sum (£59,920) towards the provision of 5 primary school places at Carr Infant/Junior School are required. No sums are sought towards secondary education.

4.30 As the application is made by the Council and they will also be the developer a Section 106 can not be entered into as it can not be enforced. As such the applicant has agreed to provide letters from the Director of Communities and Neighbourhoods confirming that the payments will be made before the dwellings are occupied. This is also the reason for the conditioning of the affordable housing.

5.0 CONCLUSION

5.1 The proposed development would deliver housing, including affordable housing which is of the type and need required in the city. The site is suitable for housing, the scheme is acceptable on design grounds and retains trees of amenity value. The proposal would introduce a mixed residential scheme in a sustainable location. There would be no adverse effect on highway safety and the amenity of surrounding residents.

5.2 It is recommended that the decision is delegated to officers to approve following further submission of the drainage layout and subject to any further conditions required to secure a successful development.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Delegated Authority to Approve

1 TIME2 Development start within three years -

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

Drawing Number 5121974-ATK-XX-XX-DWG-(00)-ARC-101 Revision B received 9 August 2013

Drawing Number 5121974-ATK-XX-XX-DWG-(00)-ARC-201 Revision B received 9 August 2013

Drawing Number 5121974-ATK-XX-XX-DWG-(00)-ARC-301 Revision B received 9 August 2013

Drawing Number 5121974-ATK-XX-XX-DWG-(00)-ARC-401 Revision B received 9 August 2013

Drawing Number 5121974-ATK-XX-XX-DWG-(00)-ARC-501 Revision B received 9 August 2013

Drawing Number 5121974-ATK-XX-XX-DWG-(00)-ARC-502 Revision B received 9 August 2013

Drawing Number 5121974-ATK-XX-XX-DWG-(90)-ARC-010 Revision C received 15 August 2013

Drawing Number 5121974-ATK-XX-XX-DWG-(90)-ARC-011 Revision D received 20 August 2013

Drawing Number 5121974-ATK-XX-XX-DWG-(90)-ARC-401 Revision D received 20 August 2013

Drawing Number 5121974-ATK-XX-XX-DWG-(90)-ARC-013 Revision B received 15 August 2013

Drawing Number 5121974-ATK-XX-XX-DWG-(90)-ARC-014 Revision B received 15 August 2013

Drawing Number 5121974-ATK-XX-XX-DWG-(90)-ARC-020 Revision C received 22 August 2013

Drawing Number 5121974-ATK-XX-XX-DWG-(90)-ARC-021 Revision B received 20 August 2013

Drawing Number 5121974-ATK-XX-XX-DWG-(90)-ARC-022 Revision B received 15 August 2013

Drawing Number WA-C-101 Revision B received 20 August 2013

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

3 VISQ8 Samples of exterior materials to be app -

4 VISQ4 Boundary details to be supplied -

5 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.

6 Before the commencement of development, including demolition, building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing, phasing of works, site access during demolition/construction, type of construction machinery/vehicles to be used, (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles and storage of materials, location of marketing cabin. It shall also include construction details and existing and proposed levels, where a change in surface material is proposed within the canopy spread and likely root zone of a tree.

Reason: To protect existing trees which are covered by a Tree Preservation Order and/or are considered to make a significant contribution to the amenity of this area.

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

8 HWAY7 Const of Roads & Footways prior to occup -

9 The development shall not be occupied until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the kerb and footway to match adjacent levels.

Reason: In the interests of good management of the highway and road safety.

10 HWAY18 Cycle parking details to be agreed -

11 HWAY19 Car and cycle parking laid out -

12 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local

Planning Authority, or arrangements entered into which ensure the same.

- Provision of a traffic calming scheme on Old School Walk incorporating managed on-street parking facilities

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

13 HWAY40 Dilapidation survey -

14 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration, dust and lighting during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority. 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.

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 (2009) Code of Practice; 'Noise Control on Construction and Open Sites'.

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. To protect the amenities of adjacent residents

15 All demolition and construction works and ancillary operations which are audible beyond site boundary or at the nearest noise sensitive dwelling, including deliveries to and dispatch 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.

Reason: To protect the amenities of adjacent residents

16 Prior to the commencement of development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. 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:

a survey of the extent, scale and nature of contamination (including ground gases where appropriate);

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;
- 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'.

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

17 Prior to development, 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 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and 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.

18 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 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.

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.

19 A scheme of sound insulation must be submitted and approved in writing by the local planning authority before construction commences. This should show that external noise can be controlled to the following internal noise levels:

less than 35dB(A) 16 hour Leq in living rooms during the day time (07:00-23:00).
less than 30dB(A) 8 hour Leq and 45dB(A) Lmax in bedrooms during the night time (23:00 to 07:00)

Reason: To protect the amenity of the occupiers of the proposed dwelling.

20 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

21 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

22 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.

23 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 B and D 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. In the interests of the visual amenity of the development.

24 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that

Order), no door, window or other opening additional to those shown on the approved plans shall at any time be inserted in the side/south elevation of Unit 8.

Reason: In the interests of the amenities of occupants of adjacent residential properties.

25 The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. A minimum of 14 of the proposed units shall be affordable housing. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:-

- i) The numbers, type and location on the site of the affordable housing provision to be made
- ii) The timing of the construction of the affordable housing
- iii) The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing
- iv) The occupancy criteria to be used for determining the identity of initial and subsequent occupiers of the affordable housing, and means by which such occupancy shall be enforced.

Reason: To ensure that the units are retained as affordable housing. To comply with policies within the National Planning Policy Framework and Policy H2a of the City of York Development Control Local Plan.

7.0 INFORMATIVES: Notes to Applicant

1. 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 achieve a positive outcome:

- Revisions to layout and design, requested additional information in relation to surface water drainage, tree assessment etc
- Imposition of conditions

2. INFORMATIVE:

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

Section 38/278 - Michael Kitchen (01904 551336)

3. INFORMATIVE:

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

4. 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

Contact details:

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