

COMMITTEE REPORT

Committee: Planning Committee **Ward:** Dringhouses And
Woodthorpe
Date: 25 October 2007 **Parish:** Dringhouses/Woodthorpe
Planning Panel

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

1.0 PROPOSAL

1.1 Members may recall that consideration of this application was deferred at the meeting of the Planning Committee held on 26 June 2007, for the following issues to be considered by the developer:

- the siting, massing and height of the proposed dwellings along the northern boundary
- flooding
- maintenance and ownership of ditches
- height of the proposed dwellings
- cycle and bin storage
- issues relating to gating of alleyways and the ownership of gates
- the civil dispute regarding the wall
- affordable housing (still in negotiation when the application was considered)
- tree planting along the northern boundary
- car club membership

Revised drawings and further information in relation to drainage have now been submitted by the applicant for further consideration. This is considered under the above headings in the "Appraisal" section of the report at Section 4 below. As many of the relevant issues have not changed since the application was originally considered, a copy of the previous report to Committee is attached for information.

1.2 A site visit has been requested by Councillor R. Moore to allow the site to be viewed from the grounds of St. Leonard`s Hospice, so that members can assess the potential impact of the proposed cycleway and open space resulting from its proximity to the site boundary.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYH1
Housing Allocations

CYGP1
Design

CYGP3
Planning against crime

CYGP9
Landscaping

CYNE1
Trees, woodlands, hedgerows

CYNE7
Habitat protection and creation

CYT2
Cycle pedestrian network

CYT4
Cycle parking standards

CYT7
Promotion of public transport services

CYH2
Affordable housing on housing sites

CYED4
Developer contributions towards Educational facilities

3.0 CONSULTATIONS

3.1 INTERNAL

HIGHWAYS

The revised cycle parking arrangements shown on the drawings are now acceptable. The previously recommended conditions should be attached to any approval. These are:

- cycle parking to be provided in accordance with the approved details
- car and cycle parking to be laid out prior to occupation
- adopted road layout to be agreed prior to commencement
- no gate to open out over the public highway
- measures to prevent mud on the highway during construction
- dilapidation survey of adjacent highways to be carried out
- method of works statement to be agreed prior to commencement

LANDSCAPE ARCHITECT

There are no changes that increase the separation between the existing pond and the housing, or increase the distance between the mature Oaks and the housing, or improve the amenity of the blocks of flats, therefore I have little further to add to my previous comments. However, in this respect, I do recognise that the density of development that was approved at outline stage places a huge restriction on what can be achieved. In light of this there are some minor improvements to the revised scheme, i.e. the LAP is marginally larger and the housing density to the north west of this is reduced, which slightly improves the situation for the long term retention of the existing trees along the northern boundary.

STRUCTURES AND DRAINAGE

The applicant's revised drainage strategy appears to be largely unchanged since their last submission, apart from some additional land drainage works in the vicinity of No.66 Lycett Road.

The remaining outstanding issue appears to be the culverting of the ditch along the boundary with Lycett Road. There are pros and cons for each, as follows:-

Culverting:- reduces maintenance due to fallen leaves / debris, but also reduces flood storage

Re-ditching:- higher maintenance and increased depth of ditch (and water during flood), but retaining maximum flood storage.

Either option would be acceptable to us, but since the EA have asked for the ditch to be retained, this would be preferable. The additional 'cuts' could still be made from existing properties into the ditch to improve the drainage from the gardens.

HOUSING DEVELOPMENT CO-ORDINATOR

This is the comment of HASS on the application with the revised affordable housing as offered on 10th October 2007.

The affordable housing provision is now satisfactory subject to the final agreement of the car parking provision for the flats.

This application is being determined on the basis of the council's affordable housing policy and Advice Note pre-13 April 2005 and the S106 agreement for the outline permission. Thus the relevant basis for consideration is:- 25% of dwellings to be affordable pro rata across the site, type and size; of the affordable homes, 70% to be for social rent and 30% for discount for sale. Affordable homes to be pepper-potted across the site on the basis of the advice note and S106 agreement.

Commentary

This major windfall site will provide 90 much needed affordable homes. There will be 58 houses of 3, 4, and 5 bedrooms and 32 flats, all of 2 bedrooms with 3 different types. There are no 2 bed-roomed houses and relatively few 3 bed-roomed houses on the site as a whole.

The distribution amongst the 21 types of new house and new flats is representative of total provision on the site with a greater proportion of affordable 3 bed houses than required using the pro rata principle which is welcome. There are less flats in the affordable provision than proportionally across the site.

The site produces a significant number of large, affordable, family homes that are in very short supply across the area and not well represented in the stock of implementing and unimplemented permissions across the area.

The affordable homes are pepper-potted across the site on the basis of the S106 agreement which does not allow more than 2 affordable homes together. This produces a very acceptable distribution for the flats and the houses.

The application can now be supported by HASS as satisfying the affordable housing policies and advice note.

The proposed provision can be illustrated as follows:

Size-type / analysis	Total number on site	% of total site provision	Affordable offer = % of type	Tenure distribution of affordable homes target			
				70%		30%	
				R	R%	dS	dS%
1 bed flat	2	0.5555	0 = 0%	0	0	0	0
2 bed flat	128	35.5555	32 = 25.000%	22	69%	10	31%
Total flats	130	*36.111%	32 = 24.615% *equals 35.556% of all affordable				
2 bed house	0	0	0 = 0%	0	0	0	0
3 bed house	16	4.53	6 = 37.500%	4	67%	2	33%
4 bed house	149	41.389	38 = 25.503%	27	71.05%	11	28.95%
5 bed house	65	18.056	14 = 21.538%	10	71.43%	4	28.57%
6 bed house	0	0	0 = 0%	0	0	0	0
Total houses	230	63.889%	58 = 25.217% equals 64.444% of all affordable				

3.2 EXTERNAL

DRINGHOUSES AND WOODTHORPE PLANNING PANEL

(i) The letter from the agent states that the civil dispute over boundaries in the Lycett Road area have been resolved. Despite this the revised plans still show the original boundary. This must be rectified by the production of a revised plan showing the correct line of the boundary. Failure to do this could result in legal action in the future as the plans would have been approved by the Planning Committee with incorrect boundary lines shown.

Officers comment: A decision to grant planning permission would not override any agreement, whether legal or otherwise, relating to the location of the boundary, irrespective of where it is shown on the drawing.

(ii) We are not satisfied with the disposal of storm water from the site as it is unclear where this will run off. A Yorkshire Water representative should be present at the meeting to explain its disposal and re-assure Members that no flooding affecting the area will occur.

ENVIRONMENT AGENCY

The drainage system on the site is designed to a 1 in 30 year storm with consideration for a 1 in 100 year storm, plus climate change, to ensure that the system could cope with this event without causing flooding problems to the site or adjacent properties. This is in line with Government guidance in the form of Planning policy Statement 25: "Development and Flood Risk".

We are aware that a large amount of recent flooding was through insufficient drainage designs as many of the older systems are only designed to manage a 1 in 30 year storm. Whilst we accept that the new system will formalise the drainage on site and should improve the ponding on the site we have some concerns regarding the culvert on the northern boundary. As the new houses are to be higher than the existing gardens on Lycett Road it is natural that some of the surface water run-off will flow from the houses to the back, rather than the front where the new drainage system is located. This would be into the gardens of the properties on Lycett Road. The drainage plan includes the culverting of a small ditch on the northern boundary.

To culvert this ditch, even with the granular fill surround will still reduce its capacity and in heavy rainfall events the flow will just run to the lowest ground. The granular fill and the culvert itself would require regular maintenance to achieve maximum efficiency, which is unlikely if it is owned by all individual property owners.

We have a policy against culverting of watercourses as it reduces the capacity and destroys habitat. If possible the ditch should be maintained as a swale as it would be easier to keep clear of debris and should provide more capacity in the case of a heavy rainfall event. The drainage details should be written into the deeds of the new houses to inform the new residents of the importance of the system and the maintenance involved.

LOCAL RESIDENTS

10 letters have been received from local residents, making the following points:

1. York College is an important and prominent site and provides an opportunity for an imaginative and innovative development.
2. The submitted scheme is very ordinary and has no community facilities.
3. There is scope to provide more green areas by grouping garages together.
4. The use of materials other than brick throughout would be visually more attractive. Some of the house types are out of character with no features of interest.
5. What is proposed is a housing estate, built using similar materials and with an unimaginative layout.
6. No improvements are proposed to deal with the extra traffic the proposed development would generate.
7. The four storey apartments will be directly opposite two storey properties in Ashfield Court, which will not be in proportion and will be overbearing and not attractive to look at.
8. The development is likely to result in surface water draining towards Lycett Road and flooding existing houses and gardens.
9. Although it is proposed that the site will be positively drained, water could back up the ditch/land drain with consequential flooding of properties in Lycett Road.
10. The capacity of the new land drain along the northern boundary will be less than the existing ditch, thus exacerbating the situation.
11. Maintenance of the ditch will fall on the riparian owners (i.e. the new residents) which would make future maintenance difficult when so many owners are involved.
12. Responsibility for the outfall from the ditch along the eastern boundary has not been clarified.
13. Although an allowance has been made for climate change in the drainage calculations, recent events have demonstrated a need for even greater allowances for surface water drainage.
14. The dwellings on plots 149 to 152 are too close to the boundary, resulting in loss of privacy. The three large two storey houses have been replaced with four 2.5 storey houses.
15. This is made worse by the fact that no trees can be planted along the boundary due to the proposed new land drain.
16. All of the previous concerns in relation to proximity, overlooking, loss of privacy, overbearing impact, loss of light etc have been increased.
17. The properties on these plots have rooflights overlooking the Lycett Road properties.
18. Changes have been made to the properties abutting Middlethorpe Drive where existing gardens are much longer. The same principle should be applied to Lycett Road where garden depths are at their minimum.
19. The situation is infinitely worse than before and applicant appears to have disregarded all of the comments made previously.
20. Paving and hard surfacing of the gardens by future occupiers can be carried out without planning permission and the statement that gardens will absorb excess water may not be accurate.

21. Whilst the change of house type on plot 148 is welcomed, the clearance from the oak trees has been reduced and the distance from the northern boundary remains the same.
22. The revised layout has made the situation worse for some residents and no consideration has been given to the request to site the houses at a greater distance from the northern boundary
23. The dwelling on plot 212 abuts the boundary wall which will greatly reduce privacy and outlook. As has been stated previously, a garden to garden relationship would be far preferable.
24. Strong objections are raised to the loss of mature trees. New planting will not adequately compensate for this loss and the site will be less "green" as a result.
25. Since the new college opened traffic leaving town frequently backs up to the Tesco roundabout, which is without the additional traffic the development will create.
26. The site boundary has been shown in its original position, notwithstanding the fact that the developer has agreed to transfer the "disputed" land to the adjacent residents.
27. Written confirmation should be provided that the existing wall will remain and will be maintained.
28. Although the house types along the northern boundary with Middlethorpe Drive have changed, the setting in terms of garden space shows little improvement.
29. The majority of the new houses still have accommodation on three floors and are thus effectively three storey. This is in breach of the informative attached to the outline planning permission.
30. The existing brick wall along the boundary with Middlethorpe Drive should be retained by a planning condition.
31. It is hoped that the promise of placing a Tree Preservation Order on the remaining trees will be kept, in order to prevent the removal of trees by future residents.

A letter has also been received from St. Leonard's Hospice stating the following

1. The letter states that the comments are made in good faith, recognising that the Hospice does not have planning, building or drainage expertise on its staff and cannot afford to pay for external advice.
2. Concern is expressed at the proximity of the footpath to the Hospice boundary, with the likelihood of significant "traffic", noise and security problems. Has the issue of security, lighting, CCTV, screening and banking been taken into account?
3. Will the proposed drainage system be adequate, given recent rainfall events, and not result in additional water draining onto the Hospice site.

4.0 APPRAISAL

4.1 Key Issues

Consideration of the application was deferred at the meeting held on 26 June for the following issues to be considered by the developer:

- the siting, massing and height of the proposed dwellings along the northern boundary
- flooding
- maintenance and ownership of ditches
- height of the proposed dwellings
- cycle and bin storage
- issues relating to gating of alleyways and the ownership of gates
- the civil dispute regarding the wall
- affordable housing (still in negotiation when the application was considered)
- tree planting along the northern boundary
- car club membership

SITING, MASSING AND HEIGHT OF PROPOSED DWELLINGS ALONG NORTHERN BOUNDARY

4.2 The originally submitted layout included 10 three storey dwellings (terraced and semi-detached) and a detached two storey (with a bedroom in the roof) along the northern boundary of the site adjacent to existing properties in Middlethorpe Drive. The three story dwellings incorporated kitchens/breakfast areas at first floor level. Concerns were raised that properties of this nature would result in unacceptable overlooking and loss of privacy to the properties in Middlethorpe Drive. These have now been substituted with 9 detached dwellings, two of which would be 2.5 stories in height, with the remainder being two stories. (N.B. for the sake of clarity, a "storey" has been taken as defining the eaves height of the dwellings in question).

4.3 All of the dwellings would incorporate bedroom accommodation either partially or totally within the roof space. However, where rooflights have been incorporated, they would be at such a height (approx 1.5 metres above floor level) that overlooking would be unlikely to occur. All of the house types would have a conventional internal layout, with bedrooms and bathrooms at first floor level and the principal living accommodation (living rooms, dining rooms and kitchens) on the ground floor. Separation distances to the existing dwellings in Middlethorpe Drive are generous, with minimum rear garden depths of 15 metres, and total separation distances ranging from 40 metres to 53.5 metres. Members may also recall that there is a significant degree of tree cover along this boundary, the majority of which would be retained, providing screening between the existing and proposed dwellings. It is considered that this part of the revised layout has satisfactorily addressed the previous concerns in relation to proximity, overlooking and loss of privacy.

4.4 Concern was also expressed in relation to the "gable end" relationship of a number of the proposed dwellings to existing properties in Middlethorpe Drive and Lycett Road. This has been partially addressed through the introduction of a new house type (the "Charlecote"), the design of which incorporates a hipped roof. This

dwelling is of conventional two storey design (with no rooms in the roof), with a ridge height approximately 0.8m to 1.4 metres less than the house types it would replace. In addition, the width of the side wall facing the boundary would be approximately 1m less than would have previously been the case. Whilst this does not completely address the concerns raised previously, it is considered that the relationship of the proposed dwellings to the existing adjacent properties is acceptable, particularly bearing in mind many of the generous separation distances involved.

4.5 Adjustments to the layout have also been made to plots 149 to 152, where the three detached dwellings previously proposed have been substituted with four detached dwellings. This is not necessarily regarded as an improvement, as some of the rear garden depths have actually been slightly reduced. However, the minimum garden depth would be approximately 10 metres, and total separation distances would range from 26 metres to 33 metres, which is considered to be acceptable in the case of a "garden to garden" relationship. The dwelling on plot 148, in the southeast corner of the site adjacent to 66 Lycett Road, has also been changed to a "Charlecote" house type, providing a better relationship as described above in para 4.4. above. These comments are made notwithstanding the increase in ground levels proposed in order to accommodate the proposed drainage system. This would be at its greatest in the southeastern corner of the site, where the finished floor level of plot 148 would be approximately 1 metre above the existing ground level, However, the dwelling on plot 148 would be approximately 5 metres from the boundary, with a minimum separation of approximately 27 metres from 66 Lycett Road. The difference in levels (between existing and proposed) generally reduces from east to west across the site.

4.6 No changes have been proposed to the layout adjacent to the boundary with St.Leonard`s Hospice, where the required cycle path link between Tadcaster Road and Green Lane would be located as part of a linear open space running along the southern boundary of the site. A drainage easement in this location would create significant difficulties in altering the layout of the site in this location. However, the layout does incorporate a landscaped bund/buffer between the cycle path and the boundary at this point, which could be enhanced with appropriate planting in order to minimise any security/noise issues that may otherwise arise.

4.7 The amendments to the site layout have resulted in minor changes to the house type mix throughout the site, which would now be as follows:

Dwelling Type	Number	Total	
Detached	133	133	(36.94%)
Semi-detached	5	10	
3 Block terrace	7	21	
4 Block terrace	11	44	
5 Block terrace	1	5	
6 Block terrace	2	12	
Apartments	128	128	(35.55%)
Ashfield House	7	7	
		360	

The ratio of detached houses has increased from 35.83% to 36.94%; the ratio of apartments remains the same at 35.55%.

FLOODING

4.8 The applicant's drainage consultant has submitted a supplementary statement explaining the proposed drainage system for the site. This explains that the rate of discharge from the site (to the public sewerage system) will be controlled so as not to exceed existing peak flows. Storm water in excess of the controlled rate will be stored in oversized pipes forming part of the drainage system, which would also be released at a controlled rate as the storm subsides. The drainage system has been designed to cater for a 1 in 100 year event with an allowance for climate change. The public open space in the southeastern corner of the site may flood during an extreme event, but this will ensure that excess storm water will not run off onto neighbouring land. All mains drains will be adopted by Yorkshire Water.

4.9 The statement makes a clear distinction between "flooding" and localised surface "ponding", as has been observed on a number of occasions, including during the site visit on June 25. The flood risk assessment for this site (accepted by both the Environment Agency and City of York Council) concludes that the site is not located within a flood risk zone. Subsequent investigations have concluded that there is no link between flooding from the River Ouse and the incidents of surface "ponding" observed on the site. The nature of the ground and the slope of the site results in water collecting at the lowest point (i.e. the southeastern corner) from where it is slow in draining away. The effect of the development, with a new positive drainage system, will be to re-direct a substantial proportion of the run-off from the site to the public sewer at a controlled rate. Hence, the statement concludes, there will be a net improvement in the existing situation and water will not be able to accumulate on the site to any significant depth.

4.10 The main drainage system will be adopted and maintained by Yorkshire Water. Maintenance of the land drainage works, including the culverted ditch along the northern boundary will fall to riparian owners through provision in the deeds. The existing ditch system beyond the northeast corner of the site will also fall within riparian responsibility as is the case at present. Land drainage, the report states, is covered by legislation which makes the owners of land through which drains, culverts and ditches pass responsible for maintenance, repair and dealing with problems affecting the drainage rights of others. It is intended that some areas, including the pond and public open space areas, will be taken over and maintained by City of York Council.

4.11 A number of concerns have been expressed by local residents (in particular in Lycett Road), in particular that any raising of levels on the application site will remove any storage capacity available at present and would worsen the problems of ponding within the gardens. The report considers that the positive drainage system proposed will have a beneficial effect in removing a substantial element of run-off that contributes to the present problem. The proposed increase in levels is necessary to protect the proposed houses from flooding and to ensure that surface water will drain to the new piped system rather than accumulating at the lower end of

the site as occurs at present. The proposed pipes in the existing ditch, whilst reducing the volume of storage available, would facilitate the provision of a maintainable drain. The filter material around the proposed culvert can be extended to a positive drainage route away from the area at the bottom of the gardens. Improvements will also be carried out to the ditch along the southeastern boundary as part of the development work, including cleaning out, CCTV survey of existing pipes and a new inlet to the piped section.

4.12 The Environment Agency have stated that they would prefer the ditch to be retained as a "swale" rather than be piped in, as this would have the effect of reducing the storage capacity of the ditch. The Council's Structures and Drainage Engineer has commented that there are advantages and disadvantages to either option. Culverting the ditch would reduce maintenance due to fallen leaves and other debris, but also reduces flood storage. Re-ditching would result in increased maintenance with an increased depth of ditch (and water during flood), but would retain maximum storage. The conclusion is that either option would be acceptable, but as the Environment Agency would prefer the ditch to be retained, this option would be preferable. The response of the applicant to the comments of the Environment Agency are awaited.

4.13 It is important to note that outline planning permission has been granted for the development of the site, establishing the principle of the proposal, with a condition requiring drainage details to be agreed. If an acceptable drainage solution is offered by the applicant, particularly one to which no objections are raised by the Environment Agency or the Council's Structures and Drainage Engineer, it would be unreasonable for the Council to refuse the "reserved matters" application on drainage grounds.

CYCLE AND BIN STORAGE

4.14 The cycle and bin storage provision for the proposed apartments has been comprehensively redesigned, and has been incorporated into the design of the apartment blocks. Thus there are now no detached storage buildings within the car parking area, resulting in more convenient locations for these facilities than was previously the case. Highways officers have examined the new proposals and raise no objections in this respect.

ISSUES RELATING TO ALLEYWAYS AND OWNERSHIP OF GATES

4.15 There are a small number of alleyways within the development providing access to the rear of some of the plots. It is considered that any security issues can be addressed by an appropriate condition, requiring details of the security arrangements to be submitted and approved. These could include the use of lockable gates in agreed locations, with keys being issued only to the relevant property owners/occupiers for access purposes.

THE CIVIL DISPUTE REGARDING THE BOUNDARY WALL

4.16 A number of residents in Lycett Road claimed possessory title of a narrow strip of land, running parallel to the northern boundary of the site, which is shown to form

part of the application site. This area of land is defined by a brick boundary wall and has been used as garden by the individual property owners for a number of years. Members will be aware that such disputes are a civil matter and are not relevant to the consideration of the application. However, the applicants agent has confirmed that the civil dispute has been resolved as both George Wimpey and Shepherd Homes have now agreed that this land can be transferred to the adjacent residents. Legal arrangements for this to proceed are in the process of being put into place.

AFFORDABLE HOUSING

4.17 The Section 106 Agreement forming part of the outline consent stipulates that a minimum of 25% of the dwellings in both number and type (including number of bedrooms, cycle and car parking spaces) shall be "affordable", with 70% of that total being offered for rent and the remainder for discounted sale. It should be noted that the submission of an affordable housing plan is not a reserved matter and could be dealt with separately under the terms of the Section 106 Agreement. However, the affordable housing offer has been re-negotiated as a result of changes to the site layout and the mix of house types within the development, and a scheme that is now acceptable to the Council's Housing Development Co-ordinator has been submitted, subject to final agreement of the parking provision for the flats. Full details of the scheme are included in the "Consultations" Section of the report .

TREE PLANTING ALONG NORTHERN BOUNDARY

4.18 The retention of the original "side wall to boundary" arrangement has prevented any opportunity to provide any substantial additional planting along the northern boundary. However, no additional trees would be lost as a result of the revised layout. In addition, the reduction in the density of development adjacent to Middlethorpe Drive will be likely to be beneficial in terms of the existing tree cover along this boundary, which performs a valuable screening function. As was indicated in the previous report, the remaining mature trees within the site will be surveyed and made the subject of a Tree Preservation Order to secure their retention.

CAR CLUB

4.19 A financial contribution towards the establishment of a car club was not a condition of the outline planning permission. If implemented, the cost for a development of this size would be £57,600 for a development of this size, which in the circumstances is considered to be unduly onerous. The application site is close to the Askham Bar park and ride site, and the developer is making substantial financial contributions (£53,160) through the original Section 106 Agreement for the establishment and future maintenance of a cycle link between Tadcaster Road and Green Lane, part of the national cycle network.

5.0 CONCLUSION

5.1 Although the revised layout does not address all of the concerns expressed previously, a number of significant changes have been incorporated, in particular the removal of the three storey properties adjacent to Middlethorpe Drive, the

introduction of a more neighbourly hipped roof house type along the northern boundary, and comprehensive amendments to the cycle and bin storage arrangements. In addition, the applicants drainage consultant has submitted a more comprehensive explanation of how the proposed drainage system will work. The layout of the site is affected by a number of constraints and parameters, including the need to achieve the "target" yield of 350 dwellings on the site, as set out in the Draft Local Plan (the master plan submitted with the outline application included 360 dwellings and this has been followed through to the reserved matters application now submitted), the need to provide a fixed area of public open space within the development, the requirement to provide a cycleway link through the site, the sewer easement running close to the southern boundary, and the desirability of providing a mix of house types on a development of this size, including a reasonable proportion of dwellings designed for family occupation.

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

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 VISQ8 Samples of exterior materials to be app

2 The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-

Drawing no. 1950-100 rev X (site layout plan) received on 20 August 2007

House type drawings nos. 1950-106 to 1950-125 inclusive, 1950-128 to 1950-141 inclusive, 1950-144 to 1950-153 inclusive, 1950-158 and 1950-156 (garages).

Drawing no. FF428/02 rev E (existing trees to be removed) received on 23 August 2007

Drawing no. FF428/01 rev E (landscape scheme)

Drawing no. 131/Block 1&2 cycle and bin store received on 20 August 2007

Drawing (un-numbered) Proposed attached bin store - plans received on 20 August 2007

Drawing (un-numbered) Proposed attached bin store - roof layout received on 20 August 2007

Drawing no. 27684/003 Rev J (Drainage Strategy Plan) received on 23 August 2007
Drawing no. 27684/004 Rev H (Proposed Site Levels) received on 23 August 2007
Drawing no. 27684/005 Rev J (Storm Water Attenuation System) received on 23 August 2007
Drawing no. 27684/010 Rev C (Proposed Pipe System along North East Boundary) received on 23 August 2007
Drawing no. 4132/08 (Proposed Site Plan - Ashfield House) received on 2 April 2007
Drawing no. 4132/05 (Proposed Plans - Ashfield House) received on 2 April 2007
Drawing no. 4132/06 (Proposed Plan and Elevation - Ashfield House) received on 2 April 2007
Drawing no. 4132/07 (Proposed Elevations - Ashfield House) received on 2 April 2007
Drawing no. 4132/09 (Proposed Garage Elevations - Ashfield House) received on 2 April 2007
Scheme for Tree Retention and Protection received on 2 April 2007
Sustainable Construction received 2 April 2007
Drainage Strategy and Flood Risk rev D received on 1 June 2007

or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans.

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

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

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

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no additional openings to those shown on the approved plans shall at any time be inserted in the north/north east elevations of the dwellings on plots 148, 153, 168, 217, 224, 225, 231 and 232 without the prior written consent of the Local Planning Authority.

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

5 All windows to be inserted in the north/northeast elevations of the dwellings on plots 148, 224, 225, 231 and 232 shall be obscure glazed and thus maintained at all times.

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

6 HWAY18 Cycle parking details to be agreed

7 HWAY19 Car and cycle parking laid out

8 HWAY27 Adoptable road layout to be agreed

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

Reason: To prevent obstruction to other highway users.

10 HWAY31 No mud on highway during construction

11 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with the approved plans, or arrangements entered into which ensure the same.

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

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

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

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

13 The scheme of landscaping and tree planting shown on Drawing No. FF428/01 Rev E received by the Local Planning Authority on 23 August 2007 shall be carried out in its entirety within the period of twelve months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be adequately maintained for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

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

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

Reason: To provide a satisfactory appearance to the development in the interests of amenity.

15 Prior to the commencement of work on the conversion of Ashfield House, details of all extract vents, flues and soil pipes shall be submitted to and approved in writing by the Local Planning Authority. All work shall be carried out in accordance with the approved details, and no variation shall be permitted to take place without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity.

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

Reason: To protect the amenity of nearby residents.

17 At the soonest available opportunity, and in any event prior to the completion of the development, the developer shall submit a completed "Sustainable Design and Construction" statement for the development. The developer shall aim to achieve an Ecohomes "Very Good" rating or the equivalent standard under the Code for Sustainable Homes, and if this is not achieved, the developer shall demonstrate the changes that will be made to the development in order to achieve this standard.

Reason: In the interests of sustainable development.

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

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

19 No development shall commence unless and until details of provision for the future maintenance of the public open space within the site, or alternative arrangements, have been submitted to and approved in writing by the Local Planning Authority. The public open space shall then be maintained in complete accordance with the approved scheme, or the alternative arrangements agreed in writing with the Local Planning Authority.

Reason: In order to ensure that adequate arrangements are in place for the future maintenance of the public open space, in the interests of amenity of future occupiers of the proposed development.

Informative: The alternative arrangements referred to in the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution to be paid to the Council towards

the future maintenance of the open space. The obligation should provide for a financial contribution calculated at £200,000.

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

- the ice house located at the rear of 32/34 Middlethorpe Drive, in the vicinity of plots 225, 226, 230 and 231
- the weather vane on the outbuilding adjacent to Ashfield House

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

7.0 INFORMATIVES: Notes to Applicant

1. 1. REASON FOR APPROVAL

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

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

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

2. INFORMATIVE:

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

Consent for highway works

- adoption of highway - Section 38 - Stuart Partington (01904) 551361/Michael Kitchen (01904) 551336

- works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

3. INFORMATIVE:

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

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

(i) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

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

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

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

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

vi) There shall be no bonfires on the site.

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

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

Contact details:

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