

Fulford Parish Council

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BY EMAIL: hannah.blackburn@york.gov.uk

28th March 2017

Dear Hannah

Re: 12/01749/REMM - Reserved matters application for details of appearance, landscaping, layout and scale of 655 dwellings and associated facilities granted under outline permission 01/01315/OUT (duplicate application) (revised scheme) - Germany Beck Site East of Fordlands Road York

Fulford Parish Council has examined the revised plans dated Feb 2017 and the ES Addendum and this letter sets out our observations and objections.

General comments:

We reiterate our objection to the Council's decision to determine an application that has lain dormant for more than four years (as set out in our letter of 17th March 2017). In addition, the application has not been sufficiently updated thus making it unclear what the revisions are compared with the previous plans for this duplicate application. It appears we are asked to comment instead on revisions in comparison with the original reserved matters (12/00384/REMM). Does this comply with guidance on duplicate applications? The information updated on the website for 12/01749/REMM is insufficient to allow a comparison to be made between the current and previously approved proposals. The planning register was last updated in Sept 2012 and therefore doesn't contain all of the plans approved under 12/00384/REMM. The plans and documents submitted after Sept 2012 and subsequently approved, have not been uploaded onto the duplicate application documents list, including the previously approved layout plans (Rev H) and the 2013 ES Addendum relating to bat surveys. We trust you can confirm that as a point of principle, all previous objection letters in response to 12/00384/REMM be taken to apply to 12/01749/REMM as well? Perhaps you could also clarify what the status of the discharged conditions for 12/00384/REMM is in the context of 12/01749/REMM?

1. Missing documentation

The following is a list of essential documents that are required, yet are missing from the application:

- a) An updated site-specific Flood Risk Assessment (FRA) to deal with housing in flood zones 2 and 3 and flood defences as required by CYC's Scoping Opinion dated xx 2017. This must include an accurate plan showing the number and location of the dwellings within the flood zones.
- b) The 2004 FRA
- c) Updated landscape plans
- d) Engineering plans and vehicle tracking plans.
- e) Streetscape plans (to illustrate the visual impact of the plot substitutions and views from important vantage point).
- f) Updated Design and Access Statement to include a travel plan.
- g) A lighting scheme for cycle routes, public footpaths and public areas. [Condition 5(i)]
- h) Details of existing and proposed ground levels and finished floor levels for each dwelling. [Condition 5(d)]
- i) Details of earthworks in connection with the formation of all landscaped areas to include the level and contours to be formed and the relationship of the proposed earthworks to the surrounding landform. [Condition 5(c)]

2. Lack of conformity with the Masterplan and the UDPR.

The UDPR 2006 (as amended) set out the key design aims and objectives and describes the design principles that will be adopted in future detailed proposals:

"It is not expected that any future proposals which are at odds with the spatial masterplan or basic design principles outlined in this document would gain a planning approval". [UDPR, page 17]

These reserved matters represent a significant departure from the spatial masterplan and the basic design principles described in the UDPR and fail to provide a quality scheme based on the best of the local vernacular of Fulford village.

- a) Plot substitutions:

The substitution of Hogg designed buildings with yet more of the same standard Persimmon designs results in an even more characterless and monotonous estate, which lacks distinctiveness and any sense of place. For example, the number of GB10 house-types has almost doubled from 44 to 86; GB6 has increased from 48 to 77 and GB22 from 10 to 17. These are scattered around the various 'neighbourhoods' in conflict with the UDPR: *"housing layout and design will be used to break up large areas into smaller clusters with a sense of place and individuality"*. [UDPR page 3]. The layout shows no small clusters with a discernable sense of place and individual character and there has been little effort to design a scheme that is a suitable extension of Fulford village.

- b) The Crescent:

The 'Crescent' is a fourth character area that was introduced in the 'Design and Character Study (Sept 2012) when the previous reserved matters application was submitted. However, the UDPR confirms: *"The development will include 3 key character areas; the village spine road; the housing areas behind the spine road; and the housing fronting the Germany Beck wildlife corridor"*. These three areas are clearly illustrated on the spatial masterplan, with the area of the crescent being designated as: *"Backland housing areas incorporating streets, squares, mews and homezones"* (to the north); and *"Spine road corridor/village High Street"* (to the south) [UDPR page 12]. The character of the 'Crescent' bears no resemblance whatsoever to either the 'backland' or 'high street' character areas as described in the UDPR and the opportunity should be taken to request the developer to amend this area accordingly.

The Parish Council and local community have consistently objected to the three-to-four storey blocks of flats located at the heart of the development and to the fact that the designs are based on a very high-density brownfield site in the city centre (Hungate) and incorporate features that are inappropriate to Fulford village's character such as roof terraces and balconies. When viewed together with the nearby three-storey retail/flats unit, they will appear prominent in the skyline from every part of the development and beyond. The objections of the local community have not been taken into account, despite the assurance in the UDPR: *"It is expected that all detailed design solutions will, in due course, be the subject of detailed consultation with the local community as part of the process of submission of reserved matters applications"*. [UDPR, page 17]

The Crescent does not therefore constitute a suitable 'heart' for an extension to a village such as Fulford and this proposal alone would warrant a refusal of the application on grounds of conflict with the UDPR and the NPPF §64: **"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"**.

c) Focal buildings:

UDPR page 11 states: *"The village spine road will be designed to create a series of views and vistas, framed by built development, and terminating at focal points and landmark buildings"*. Eleven focal/landmark buildings are drawn on the Masterplan yet none are provided. All buildings in the locations indicated are standard designs of no distinction whatsoever.

d) The 'boardwalk' pathway:

This pathway is indicated on the masterplan and was to have provided a pedestrian access route through the nature park. It has now been deleted and replaced by a single point of entry and exit from Germany Lane (a significantly less convenient route for pedestrians). Similarly, the through-route pedestrian path through Germany Meadow is also changed to a less convenient access path with only a single entry/exit point, despite the 'key' design aim and objective described in the UDPR (page 5) of *"a coherent network of routes for informal recreation"*.

e) Landscape features:

The UDPR page 4 states: *"The layout and design will take full consideration of existing landscape features allowing development to retain and accommodate the most important trees, hedgerows and stream courses and ensure their long-term maintenance"*. Despite this commitment, **at least two important landscape features are to be lost:**

Tunnel Dyke is illustrated on the Masterplan and is described as *"one of three key linear features"* (the other two being Germany Beck and Germany Lane) and *"a prominent feature"* in the landscape by the author of the UDPR (3.23 and 3.34 ID 141 Pauline Randall). Despite the UDPR's assurances, the dyke is to be culverted along most of its length and none of the existing hedging is to be retained with the result that this 'key' landscape feature will be fragmented and its function as a visually attractive stream and wildlife corridor will be destroyed.

The raised track leading from the former Sandys Farm to the central dyke is referenced in the 2001 ES (14.3.5): *"During the walkover of the development area it was noted that the trackway which ran out into East Moor field from Back Lane, was on average 0.20 – 0.25m higher than the arable land to the north and south. The Enclosure Award makes specific reference to the need to maintain this Trackway as a 'foot road' into the East Moor and therefore suggests that it is of some antiquity"*. Despite the route being clearly drawn on the Masterplan along its **existing** alignment, the track has not been retained at all in the layout proposals.

f) SUDS:

The Masterplan illustrates SUDS drainage ponds at the southern end of Tunnel Dyke and within the greenway to the east of the site. These ponds are not drawn on the current plans but no explanation is provided for their omission.

g) Natural surveillance over public spaces and visual appearance from public vantage points:

At least two 'pedestrian lanes' pass between the side elevations of houses, whereas the UDPR (page 26) states: ***“These lanes will have a high degree of informal surveillance from houses fronting them and give direct pedestrian access from their front doors to the routes”***. The concept of pedestrian lanes in this reserved matters application bears no relation to what was intended at the outline stage as illustrated by the photo on page 26.

The northern section of the Millennium Way footpath will lose its rural character and has no natural surveillance, being bordered by 1.8m timber fencing along a significant part of the route rather than being overlooked by active frontages (eg: plots 606-636). Visible timber fencing is not part of the local vernacular and in conflict with the UDPR that states that ***“Rear or side garden boundaries that abut the movement network or public space must be walled and secure, at least 1.8m high. They must also be well detailed to add to the character of the space they are within or frame”***. (UDPR page 24). This important public right of way will feel unsafe especially since no lighting is proposed, contrary to the UDPR: ***“Dead spaces” must be avoided and natural surveillance from adjacent properties maximised along all routes to increase the sense of safety***” (page 23). In addition, there is no boundary at all proposed between the garden of Plot 643 and the public path. Similarly, footpath 7 on the western edge of the site, is not adequately overlooked by habitable windows, creating a similar issue with lack of surveillance.

The houses bordering the parish field extension do not face onto the open space and the mismatch of orientations does not suit this location, which is highly visible from Fulford Village Conservation Area. A streetscape should be required for this viewpoint.

The siting of apartment blocks encircling the main open space means that there is no family housing within sight of the LEAP, which is a missed opportunity to provide a safe family neighbourhood surrounding the play areas and open space.

h) Secured by Design

The principles of 'Secured by Design' have not been followed despite a clear commitment in the UDPR: ***“Crime prevention and community safety will be prime considerations in layout. The principles of “Secured by Design” will be followed and natural surveillance over public spaces promoted in the detailed layout and design of the housing”***. (page 3]

The Police Designing out Crime Officer has repeatedly highlighted the numerous unsafe rear parking courts enclosed by 1.8m fencing and without adequate surveillance. Notwithstanding the introduction of trellis fencing for the upper 300mm, these areas will feel unsafe and provide opportunities for criminal or anti-social behaviour. It is regrettable that Persimmon has not been required to remove any of these intrinsically unsafe parking courts.

Under Ref: 15/00717/NONMAT, all the previously approved lighting along Germany Lane leading to the spine road has been deleted without any assessment of the impact upon crime prevention or public safety. This new material consideration should be addressed within this application. We also ask whether the Police Designing-out Crime Officer was informed of this change at the time he was consulted because there is no information drawing attention to this within the application itself?

The failure to comply with the principles of 'Secured by Design' is a major flaw in the application and the above issues need to be addressed in order to comply with National Planning Guidance, which stresses the importance of crime prevention in the design of new development: *"Designing out crime and designing in community safety should be central to the planning and delivery of new development. Section 17 of the Crime and Disorder Act 1998 requires all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder"*. [ID: 26-010-20140306] and;

NPPF §58: *"Planning policies and decisions should aim to ensure that developments: create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion"*.

Taken together, the above are examples of significant departures from the approved design principles that mean that the application fails to 'generally' conform to the outline permission.

3. Flooding

i) A site-specific FRA is required by the NPPF (§103) as well as the Council's SFRA. In addition, the City of York Council's 'Scoping Opinion' notes that the FRA *"is proposed to be updated as part of the ES to reflect changes in Central Government planning policy, changes to the scheme and to incorporate recent data and modelling"*. The ES addendum fails to deal with these matters in any meaningful way: a) the 'Water Environment' chapter is not a flood risk assessment and ignores the housing layout entirely (in fact this chapter is largely copied word for word from the 2012 ES update); b) the quoted Environment Agency data and modeling provided in Appendices 8, 9 and 10 is not new at all; and c) the 'Civil Engineering Risk Assessment' (Appendix 16) relates solely to the nature park storage areas NOT to the housing, for which the reserved matters application is seeking approval.

ii) The ES is silent on the A19 flood defences – an unacceptable omission, considering that the additional defences are 'reasonably foreseeable' and indeed some elements are already under construction. In this regard, we draw attention to the fact that sheet piling has been undertaken on land to the south of Germany Beck (in the Parish Council's ownership) to facilitate construction of a retaining/flood wall. The additional defences (including the extension to the retaining wall south of the beck) are integral to the construction of the junction and the cumulative impacts should be addressed in the ES to ensure that the scheme will be effective and safe over its lifetime and that adequate mitigation is devised such as replacement planting for the trees felled on Parish Council land.

iii) Housing in flood zones: an accurate plan illustrating the location of ALL houses in zones 2 and 3 is a pre-requisite for this site and the developer should also provide details of any flood resilience/resistance measures to be incorporated into the fabric of affected buildings. Without this information, the flood risk to future and existing residents cannot be satisfactorily assessed. It is noted that the floor levels of the houses within flood zone 3 will be raised to bring them above a 1:100yr flood, which are higher than those already approved in the previous reserved matters. This change must be addressed in this application in order to demonstrate the relationship of the revised landform with surrounding housing.

The PPG advises: *When considering safety, specific local circumstances need to be taken into account, including:*

- *the characteristics of a possible flood event, eg the type and source of flooding and frequency, depth, velocity and speed of onset;*
- *the safety of people within a building if it floods and also the safety of people around a building and in adjacent areas, including people who are less mobile or who have a physical impairment. This includes the ability of residents and users to safely access and exit a building during a design flood*

- *and to evacuate before an extreme flood;*
 - *the structural safety of buildings, and;*
 - *the impact of a flood on the essential services provided to a development.*
- [ID: 7-054-20150415]

iv) The foul and surface water pumping stations have been deleted from the scheme, contrary to all past assurances. However, the drawings continue to indicate the raised area needed to accommodate the foul pumping station and the 2017 ES Addendum continues to assert that both pumping stations remain part of the scheme. For example, Chapter 7 states: *“The new foul and surface water pumping stations remain as previously described in the 2006 supplement and 2012 ES Update, namely sited off Fordlands Road, to the north side of the new access road” (§7.35)*. It then proceeds to assess the visual impact: *“Given the design and location of the building, no significant adverse visual impacts are assessed to result from this feature”*. The omission of both pumping stations is a material change that has occurred since the 2012 ES was submitted, which should be addressed in the ES Addendum and more importantly in an updated FRA.

4. Wildlife/ecology

The failure to retain the central dyke and its hedges will fragment the existing wildlife corridor that connects the school nature reserve with Germany Beck. Bridge crossings are mentioned in the UDPR but none are provided and there is no provision for wildlife to migrate across the roads that cross the main greenway and other green corridors connecting areas of the development to Germany Beck.

5. Heritage/archaeology

Archaeological investigations have been progressing for two years yet regrettably, no community involvement has been undertaken, despite Condition 12(f) of the outline consent requiring: *“A programme of access for the community to the archaeological excavations”*.

For the investigations now proposed at the two outfalls, we request that the community be given an opportunity to be fully engaged. **We also request that full archaeological investigations be carried out on the excavations to construct the large underground drainage tank proposed in a location that directly abuts the ‘archaeological zone’.**

6. Comments on individual plots (not exhaustive)

Plot 86. The substitution of GB47 in this plot and the addition of the double garage results in a garden area that is too small for a five-bed detached dwelling.

Plot 84. The garden of this plot also appears to be below accepted standards for a four-bed detached dwelling.

Plots 84 & 85: The driveway between these plots protrudes three metres into the greenway, which is a detrimental change.

Plots 167 & 168: The introduction of two three-storey semi-detached houses facing onto the open space will appear unduly prominent in this location.

Plot 643: No boundary feature is proposed between the rear garden and the public path (Millennium Way).

7. Condition 27:

Phase 1: Plots 27-32: We ask again that the proposed two storey properties be replaced with bungalows in order to comply with the terms of Condition 27: *“The proposed dwellings in the areas adjacent to Tillmire Close and Low Moor Avenue on the northern boundary of the site **and adjacent to School Lane** on its western boundary shall be designed so that the eaves height does not exceed single storey level or in any case 3 metres”*. Springfield House (which is itself a bungalow) is undoubtedly located on School Lane at the western boundary of the site and (on any fair reading) is therefore covered by this condition. The meaning and purpose of Condition 27 is to protect the amenity of properties abutting the site boundaries

and when read in the context of the Inspector's Conclusions and Persimmon's own inquiry evidence, there is absolutely no doubt that the Inspector intended Condition 27 to apply to Springfield House: *"The limited height of the proposed dwellings in the areas adjacent to Tillmire Close, Low Moor Avenue and adjacent to School Lane is to protect the amenity of existing residents and to ensure that the built form of the scheme would be compatible with the bungalows there (condition 27)"* [IR 24.164] and; *"On the eastern side of School Lane there is a row of chalet style bungalows and, jutting into the surrounding fields, Osborne House. Elsewhere the site abuts schools and playing fields. A key design aim is that the scheme would not inflict adverse effects due, for example, to overlooking and noise, on neighbouring residents. To that end, it is proposed to limit the height of new dwellings backing on to the housing in School Lane and Tillmire Close; that is to be controlled by condition"*. [IR 4.52]. Furthermore, the UDPR states: *"The scheme will be designed to ensure that neighbouring properties do not suffer adverse impacts from overlooking or noise"*. [UDPR Page 5] The developer has included bungalows adjacent to the remainder of the houses along the western boundary and footpath 7 including Fulford Mews. It is therefore anomalous to exclude Springfield House from this protection.

As currently proposed, the six two storey buildings at the southern boundary of Springfield House (Plots 27-32) directly face and overlook the south elevation of the house and garden thus significantly harming the existing privacy and amenity enjoyed by the occupants. **We therefore ask that Officers give this matter urgent consideration to ensure that the residential amenity of Springfield House is preserved through full compliance with Condition 27.**

8. Parish Land Extension

The Parish Council has repeatedly requested the developer to clarify the ownership and maintenance arrangements for the proposed extension to the parish field. We have received no information or assurances on this matter and therefore the application should not be determined until full agreement has been reached between the parties.

9. Access to Fulford School

There is little confidence within the community that the illustrated access road leading to the Fulford School boundary will ultimately connect into the school grounds. In view of the absolute need for a connecting route, we ask that assurances be sought from the school managers that provision will be made for vehicular, pedestrian and cycle access into the grounds, together with turning and drop-off arrangements for buses and parents.

10. The ES Addendum

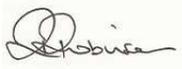
§1.23 of the Addendum draws attention to National Planning Policy Guidance introduced in 2014, which sets out the aim of the EIA as a process to *"protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process* (ref: 4-002-20140306). The ES addendum is littered with many of the same errors, contradictions, misinformation and omissions that characterised previous ESs and fails to comply with the NPPG or best practice in compiling environmental information. In these circumstances, any conclusions reached on the environmental effects or suggested mitigation must be highly questionable. We trust that Officers will carefully consider the Addendum for its accuracy, objectivity and relevance to this reserved matters application and if necessary request additional environmental information.

In conclusion, Fulford Parish Council considers that the scheme now proposed is even worse than that already approved. The design approach for the development as a whole has never been in accordance with the 'quality' and 'pioneering' scheme envisaged by all parties during the outline consent process and

fails in many vital respects to comply with the design principles set out in the UDPR or National Planning Policies and Guidance.

We trust that the application will not be determined until all the above matters have been resolved.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R. Robinson', is placed on a light yellow rectangular background.

Rachel Robinson
Clerk to Fulford Parish Council