

COMMITTEE REPORT

Date: 6 July 2017 **Ward:** Heworth Without
Team: Major and **Parish:** Heworth Without Parish
 Commercial Team Council

Reference: 16/02923/FUL
Application at: Garden Land Lying To The Rear Of 79 To 85 Stockton Lane
York
For: Erection of 9no. dwellings with access from Greenfield Park
Drive
By: Pilcher Homes Ltd
Application Type: Full Application
Target Date: 3 May 2017
Recommendation: Approve

1.0 PROPOSAL

1.1 The application proposes the erection of nine detached dwellings on a site measuring approximately 0.6ha in size. Access is proposed from the east via Greenfield Park Drive leading to a central turning head from which private drives serve the properties. The scheme proposes 7 houses and 2 bungalows ranging from 2 to potentially 7 bedrooms.

1.2 Revisions have been made to the scheme during the life of the application to address concerns raised about proximity to trees, which have been protected by a Tree Preservation Order (CYC367) served on 14.3.17.

1.3 The application was brought before the July Sub-Committee, but was deferred by Committee at officer's request to allow further re-consultation with immediate neighbours to Plot 9. It came to light following the Committee site visit that Plot 9 has been re-positioned 1m closer to the site boundary with no. 52 Greenfield Park Drive, so that it would now sit 1m away from the shared boundary enclosure. The change was not highlighted on the notes on the drawing nor in the agent's covering email that set out the 'key changes' to the scheme.

2.0 POLICY CONTEXT

2.1 Draft York Local Plan (2005, 4th set of changes) – relevant policies include:

- CYGP1 - Design
- CYGP3 - Planning against crime
- CYGP4A – Sustainability
- CYGP4B – Air Quality

- CYGP6 - Contaminated land
- CYGP9 - Landscaping
- CYGP10 - Subdivision of gardens and infill devt
- CGP15A - Development and Flood Risk
- CYHE10 - Archaeology
- CYNE1 - Trees, woodlands, hedgerows
- CYNE6 - Species protected by law
- CYNE7 - Habitat protection and creation
- CYH3C – Mix of dwellings
- CYH4A - Housing Windfalls
- CYH5 – Housing density
- CYT4 - Cycle parking standards

2.2 Draft York Local Plan (2014) Publication Draft –relevant policies include:

- DP2 – Sustainable Development
- D2 – Placemaking
- D7 – Archaeology
- G13 – Biodiversity and Access to Nature
- G14 – Trees and Hedges
- CC2 – Sustainable Development and Construction
- ENV3 – Land Contamination
- ENV4 – Flood risk
- H2 – Density
- H4 – Housing mix
- T1 – Sustainable Access

3.0 CONSULTATIONS

INTERNAL

Planning and Environmental Management (Policy)

3.1 This site has been considered through the emerging Local Plan process and whilst deemed suitable for residential use in principle, it is not currently proposed that the site be allocated for housing in the Local Plan. Further assessment of access and design constraints is required. It is noted that potential access is indicated on the submitted plans accompanying the application and colleagues in highways should be consulted on its suitability. Comments from design and conservation should be sought on the submitted Extended Phase 1 Habitat Survey to address the design and conservation issues identified at the preferred options stage in the site selection paper (2013).

3.2 In conclusion, the key policy test is whether residential development at the site is appropriate. Whilst not currently proposed to be allocated for housing, the site has been found to be suitable in principle for housing through the local plan site selection process. As such, there is no objection to the principle of housing on the site, subject to comments from highways that an appropriate access can be achieved. Colleagues in design and conservation should also be satisfied that the proposals are acceptable.

Planning and Environmental Management (Archaeology)

3.3 This application site (16/02923/FUL) lies outside of the Central Area of Archaeological Importance but in an area of archaeological interest. Archaeological features/finds from the Romano-British period are known in the vicinity. It has been suggested that the Roman road which ran from York to Malton ran parallel to Stockton Lane. There have been finds of Roman occupational debris from the rear of 210 Stockton Lane. Further to the east a probable Roman kiln site was identified at Appletree Farm. The land to the rear of Stockton Lane was used for agricultural purposes throughout the medieval and post-medieval period this means that Roman or earlier deposits may potentially exist on the site in a well preserved state.

3.4 Despite, negative results along other parts of Stockton Lane during recent investigations the size of this site and its location to known Romano-British areas of activity mean that further archaeological investigation will be required. This can take place post-determination as a planning condition.

3.5 An archaeological desk based assessment has been submitted as part of this application. It suggests that the dense vegetation on the site will prohibit geophysical survey from taking place. Therefore, an archaeological evaluation comprising of approximately five trenches (1.5 x 15m) spread out across the site should take place to determine whether any archaeological features or deposits are present. The desk-based assessment must be consulted by the archaeologist employed for the next phase of evaluation.

Planning and Environmental Management (Landscape Architect)

3.6 A new tree preservation order (TPO) has been served on five trees: Oaks 937, 968 and 972 and Spruces 948 and 953. The reasons for serving the order are that the large trees are visible between properties, provide a backdrop and a sense of scale; they are attractive specimens that contribute to the quality of the local amenity.

Public Protection

3.7 No objections, though request conditions given proximity to existing housing, in event of unexpected contamination and to require electric vehicle charge points.

Flood Risk Management

3.8 No objections subject to a condition requiring drainage details to be agreed before construction. It is not envisaged that flooding in surrounding gardens will be increased as a result of the development.

Highway Network Management

3.9 No objections subject to conditions. As long as a suitable bin collection point is supplied for all houses within 20m of the existing adopted highway, there is no requirement to adopt any of the highway for the scheme and it would be treated as a private drive beyond the existing adopted highway. The traffic generated by the proposed development is likely to result in an additional 6 cars movements in the peak hour. This equates to 1 car every 10 minutes, which will have a negligible effect on Greenfield Park Drive.

3.10 There is an existing vehicular dropped crossing forming part of the adopted highway leading to a private drive at the proposed junction with the highway, which would need to be reconstructed to provide a heavy duty crossover to serve the new properties. There is sufficient car parking to accommodate residents and visitor parking without displacing parking on to existing roads. Further details of cycle parking is required to CYC Appendix E minimum standards - 2 cycle per dwelling.

3.11 As the development is at the end of a long cul-de-sac, a method of works condition is required to establish how the developer is to mitigate the effect of construction on the highway and users of the highway.

Public Realm

3.12 No off site contribution is required as this would breach pooling regulations.

Facilities (Education)

3.13 No contribution sought

EXTERNAL

Yorkshire Water

3.14 Note that the Site Percolation Test Results (Project Number 17025), dated 20/02/2017, confirms soakaways would not be viable on site. With the above in consideration, Yorkshire Water has no objection in principle, based on drawing 11679/5000-02 dated November 2016, to:

- i) The proposed separate systems of drainage on site and off site.
- ii) The proposed amount of curtilage surface water to be discharged to the public 375mm diameter surface water sewer (at a restricted rate of 3 (three) litres/second).
- iii) The proposed points of discharge of foul and surface water to the respective public sewers in Greenfield Park Drive.

3.15 Request a condition to ensure that development is built out in accordance with the agreed drainage strategy.

Foss Internal Drainage Board

3.16 The Board has assets in the wider area in the form of Pigeon Cote Dyke, which is known to be subject to high flows during storm events. The application will enlarge the impermeable area on site and has the potential to increase the rate of surface water run-off from the site if it is not effectively constrained. The application indicates that the surface water from the site is to be disposed of via a main sewer in Greenfield Park Drive. Further information is required to demonstrate the asset owners consent and confirm the sewer has sufficient capacity. The Board raises no objections in principle subject to conditions.

Heworth Without Parish Council

3.17 The proposal does not impinge on Heworth Parish Council and is a ward matter.

Ward Councillor Nigel Ayre

3.18 Objects on following grounds:

- Site has been deleted from Local Plan Preferred Sites Consultation July 2016 as it is 'not considered suitable for allocation on the basis of current evidence', with problems of transport access highlighted as Greenfield Park Drive is a narrow cul-de-sac. Proposal contravenes NPPF paragraphs 32, 35 and 69 with regards to safe and suitable access, and Draft Local Plan Policy GP4a in terms of distance to frequent public transport route being within a 400m walk;
- Residents have also raised concerns over surface water and land drainage affecting gardens on Woodland Grove.

Neighbour Notification and Publicity

3.19 Objections have been received from residents of 18 properties on Stockton lane, Woodlands Grove, Greenfield Park Drive and Elmpark Vale, raising the following planning issues:

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- exacerbation of existing surface water drainage problems;
- impact on trees, which are significant in area and need adequate protection;
- impact on highway safety and pollution from additional traffic;
- unsuitability of Greenfield Park Drive to carry more traffic, particularly construction traffic;
- erosion of living conditions from disturbance, loss of privacy, loss of outlook and right to light;
- loss of wildlife;
- inadequate provision for refuse/recycling collection;
- inadequate provision for visitor parking within the scheme resulting in congestion on existing street;
- queries about open drain to north of the site in terms of future maintenance;
- proposed development does not include the claimed right of way from no. 52 Greenfield Park Drive to Woodlands Grove [The applicant disputes this claim and advice sought from Council's Solicitor has confirmed that this is a private law dispute and not a relevant material planning consideration];
- concerns about potential for future development on gardens of houses on Stockton Lane;
- redesign requested to site bungalows to rear of Elm Park Vale and on plot 1;
- measures requested to maintain safety and quality of life during construction.

3.20 Further re-consultation was carried out to highlight the proposed re-positioning of Plot 9. The neighbour at no. 52 Greenfield Park Drive has objected on the following basis:

- Increase in significant impact on amenity of light due to the type of property, with a full height return, at 1m closure to the boundary;
- a standard dwelling in line with both the front and rear building lines of no.52 would enable a reconsideration of their objection;
- the right of way lane along the north edge of the proposed development is shown incorrectly on the plans.

4.0 APPRAISAL

KEY ISSUES

4.1 The main considerations relevant to the determination of the application are:

- Principle of development;
- Archaeology;
- Biodiversity;
- Character and appearance;

- Residential Amenity;
- Access, parking and highway safety;
- Flood risk and drainage.

SITE AND PLANNING HISTORY

4.2 The application relates to a piece of land measuring approximately 0.6ha in size that forms the furthest section of the private rear gardens serving 79 to 85 Stockton Lane (excluding 81). It is bounded by 20-32 Woodlands Grove to the west, 22-28 Elmpark Vale to the north and 43-45 and 52-54 Greenfield Park Drive to the east. There are a significant number of trees within the site, some of which are covered by a tree preservation order – TPO 62 (Willow) and TPO 367 (3no. Oaks and 2no. Spruce). It falls within Flood Zone 1.

4.3 Planning permission was refused in 2006 (ref. 06/01178/FUL), and subsequently dismissed on appeal in 2009, for the construction of four dwellings on the northern part of the site (0.29ha in size). The key issues that the application and appeal turned on were affordable housing provision and density. In both of these regards, the Inspector found that the lack of affordable housing provision due to only part of the larger developable area being developed and the lower density of below 14 dwellings per hectare did not accord with national and local planning policy. The decision pre-dates the National Planning Policy Framework, which was published in March 2012.

POLICY CONTEXT

4.4 The National Planning Policy Framework (NPPF, March 2012) places emphasis on achieving sustainable development, by establishing a presumption in favour of development that contributes to building a strong, competitive economy and supports a vibrant and healthy community, whilst contributing to the protection and enhancement of the natural and built environment. It goes on to set out twelve core land-use planning principles to underpin decision-taking. Those relevant to the proposal include: seeking high quality design and a good standard of amenity for all existing and future occupants of land and buildings; taking full account of flood risk; contributing to conserving and enhancing the natural environment and reducing pollution; encouraging the effective use of land by reusing previously developed land provided that it is not of high environmental value; conserving heritage assets in a manner appropriate to their significance; and, actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling. Individual chapters of the NPPF give further policy advice on these areas to assist decision-taking.

4.5 Although there is no formally adopted local development plan, the City of York Draft Local Plan (incorporating 4th set of changes, April 2005), has been adopted for

development control purposes. Its policies are considered to be capable of being material considerations in the determination of planning applications, where relevant policies accord with the NPPF. The site is identified on the proposals map as lying within the main built-up area of the City, but has no specific allocation. Relevant policies are listed in section 2.2.

4.6 Policies in the emerging Local Plan are considered to carry very little weight in the decision making process given the early stage of the plan (in accordance with paragraph 216 of the NPPF). However, the evidence base that underpins the proposed emerging policies is a material consideration in the determination of planning applications. The site was considered as part of a larger site, H12, in the Site election Paper (June 2013), but was included as a housing site to be deleted from the publication draft in the Preferred Sites Consultation (July 2016) on the basis of deliverability and transport issues.

PRINCIPLE OF DEVELOPMENT

4.7 The NPPF promotes the approval, without delay, of proposals that accord with the development plan or where the plan is absent, silent or out of date, planning permission should be granted unless the adverse impacts of doing so demonstrably outweigh the benefits when assessed as a whole. One of the core planning principles set out in the NPPF is the effective use of land through the reuse of land which has been previously developed providing it is not of high environmental value. The NPPF, however, excludes private residential gardens in built-up areas from the definition of previously developed land. Notwithstanding this, paragraph 49 of the NPPF states that housing applications should be considered in the context of a presumption in favour of sustainable development. Local Plan Policy GP10 accords with paragraph 53 of the NPPF in that it seeks to resist inappropriate development of residential gardens, which would cause harm to the local area. Therefore, development of the land for residential purposes would only be supported in principle if it complies with the aims of the NPPF and the local policy requirements outlined in policies GP1, GP10 and H4a. That is, that the proposed development would provide high quality homes with a mixed community that would not be detrimental to the character and amenity of the local environment, would be of an appropriate scale and density and would not impact on existing landscape features.

4.8 The application site falls within the main urban area of the City and within a predominantly residential area. It is in a sustainable and accessible location, within walking distance of local facilities and public transport routes (though approximately 470m from Stockton Lane). Residential development of the land would be compatible with the surrounding land use. Therefore, the principle of development may be considered to be acceptable subject to further consideration being given to the impacts of the development on the character and appearance of the local area and trees.

ARCHAEOLOGY

4.9 Paragraph 135 requires the effect of an application on the significance of a non-designed heritage asset, such as heritage assets with archaeological interest, to be taken into account in determining an application. Draft Local Plan Policy HE10 reflects national planning guidance.

4.10 An archaeology desk based assessment has been submitted with the application. It concludes that the site contains no designated or non-designated heritage assets, but advises an archaeological watching brief as appropriate mitigation to assess if the site contains below ground archaeological deposits as the site is unsuitable for geophysical survey due to vegetation. The Council's Heritage Officer confirms that the site is in an area where there is archaeological interest with finds from the Romano-British period and, as such, considers that further archaeological investigation is required, secured by condition. The proposed mitigation would comply with the aims of the NPPF and Policy HE10.

BIODIVERSITY

4.11 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural local environment by, amongst other things, minimising impacts on biodiversity. Paragraph 118 requires LPAs to aim to conserve and enhance biodiversity, including the refusal of planning applications where significant harm cannot be avoided or adequately mitigated and where development would adversely affect Sites of Special Scientific Interest (SSSI), ancient woodland and European protected sites. Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats unless the need for, and benefits of, the development in that location clearly outweigh the loss. Draft Local Plan policies reflect this advice in relation to trees, protected species and habitats.

4.12 The site is not a SSSI, ancient woodland or European protected site. The application is supported by an Extended Phase 1 Habitat Survey, which confirms that there are no protected species or other important natural features present on site. The site is landscaped as is typical of residential gardens, with the most significant landscape features being the large trees within the site. The Inspector in the 2009 appeal accepted that the removal of the majority of the existing trees on site would not be detrimental to the character and appearance of the area, due to their size and the proposal to make better use of land. An Arboricultural Survey has been submitted in support of the application. During the course of the application, 5 no. trees were protected by the serving of a tree preservation order (TPO CYC367) in March 2017. The order covers 3no. Oaks and 2no. Spruces that are within the rear gardens of 83 and 85 Stockton lane and 24 Woodlands Grove, but which overhang the site boundary.

4.13 The Council's Landscape Architect had raised concerns about the proximity of the buildings and garages to the protected trees and the impact of the loss of approximately 55 no. trees from the site and replacement planting with only 5 no. trees. One of the trees to be removed is a Willow (no. 958), which is protected by TPO62-T2, but is considered to be unsuitable for retention because of its poor structure and condition. As a result of the concerns raised, the scheme has been revised so that buildings are further away from the protected trees and an increase in the number of replacement trees. The Landscape Architect now raises no objection to the proposal subject to conditions to cover tree protection and landscaping, though does consider that the relationship of buildings to trees remains tight.

4.14 In light of the above, and subject to conditions, the proposal would accord with national advice in paragraph 118 of the NPPF and local planning policies.

CHARACTER AND APPEARANCE

4.15 Chapter 7 of the NPPF gives advice on design, placing great importance to the design of the built environment. At paragraph 56, it says 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. At paragraph 64, it advises against poor quality design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. This guidance is reflected in Local Plan policies GP1 and GP10, which require development to respect or enhance the character and amenity of the local environment. In particular, Policy GP10 only allows the sub-division of existing gardens to provide for new development where it would not be detrimental to the character and amenity of the local environment.

4.16 The site relates to garden land at the rear of houses on Stockton Lane. It is enclosed on all sides by housing of varying dates and differing layouts, form and style. These include two storey semi-detached properties on Stockton set in large linear plots, single and two storey detached properties on Woodlands Grove with generous gardens, dormer bungalows on Elmpark Vale and more modern two storey detached houses at the end of Greenfield Park Drive, with the exception of bungalow 45. All properties are of traditional construction using brick and tile with off-street parking and private gardens.

4.17 The Planning, Design and Access Statement includes within it a density count for the area north of Stockton Lane in support of the application, which states that the density for the whole of the area is 14 dwellings per hectare (dph), but within this area varies from 15.5 dph (Greenfield Park Drive character area D) to 27 dph (Elmpark Way character area C). Taking those dwellings within a 150m radius of the site (130 dwellings), there is a density of 18.6 dph. The development proposes a

density of 15 dph, which the applicant considers is in keeping with the character of the surrounding area.

4.18 The proposed low density of the scheme and the decision of the Planning Inspector in the 2009 appeal against an application for the northern half of the site with a similar low density are noted. The Inspector found that the site could support a higher density scheme without harming the character and appearance of the area. However, this decision pre-dated the NPPF. One of the core planning principles of the NPPF is to encourage the effective use of land by reusing land that has been previously developed, but makes no specific reference to density. Whilst the Government is considering amending the NPPF to avoid building homes at low density and encouraging high-density in urban locations as set out in the Housing White Paper 'Fixing our broken housing market' (7 February 2017), it does not currently form part of national policy. Draft Local Plan Policy H5a 'Residential Density' would seek a density of 40 dph, and this policy is continued through to the emerging Local Plan. However, these plans are both draft documents and, whilst material considerations, could only be given weight where the policy is compliant with the NPPF. Therefore, despite concerns, in light of the lack of policy support, no objections are raised to the lower density of development proposed.

4.19 The layout of the development, which involves housing centred around a turning head from Greenfield Park Drive, is appropriate given the linear nature of the site. Whilst all properties are detached and have generous floor space, there are a mix of property size and design, with six different house designs ranging from 2 (possibly 3) bed bungalows to 5 (potentially 7) bed 2 1/2 storey houses. The site would appear as a continuation of the more modern houses on Greenfield Park Drive, from which they would be accessed. No details have been provided of external materials or means of enclosure and so conditions would be required in the event of approval.

4.20 In light of the above, the proposal would accord with the aims of the NPPF and Draft Local Plan policies where compliant with the NPPF.

RESIDENTIAL AMENITY

4.21 One of the core principles of the planning system outlined in the NPPF is to seek a good standard of amenity for all existing and future occupants. Paragraph 120 of the NPPF also states that new development should be appropriate for its location to prevent unacceptable risks from pollution and land instability, with the responsibility for securing a safe development resting with the developer. Paragraph 123 in particular advises that planning decisions should avoid and mitigate any impacts from noise and light pollution. Policy GP1(i) of the Draft Local Plan seeks to ensure that development proposals do not unduly affect the amenity of nearby residents in terms of noise disturbance, overlooking, overshadowing or from overbearing structures.

4.22 The proposed houses are laid out so that front elevations face into the site and rear elevations face towards outer site boundaries. The spacing and orientation of the proposed dwellings, along with the external private amenity space to serve them, would maintain an acceptable level of amenity for future occupiers. The proposed development would clearly result in a change in outlook for neighbours, who currently overlook landscaped gardens that are some distance from the host dwellings. However, the planning system does not seek to protect private views across land in a different ownership. The presence of the protected trees, retention of hedging and proposed new planting at site boundaries would help to soften the urbanisation of the land.

4.23 Separation distances of at least 24m have been achieved between main habitable rooms where the rear elevations of the proposed houses face directly towards that of existing properties, which is considered sufficient to minimise any undue loss of privacy over and above what can reasonably be expected in a suburban area.

4.24 The nearest relationship of new to existing is plot 9 to the adjacent house, no.52 Greenfield Park Drive. This property would be positioned gable to gable no.52 with a separation distance of approximately 6m, with the proposed dwelling 1m from the site boundary. Plot 9 has an L-shaped form, with a long side elevation, measuring 20.6m, of which 14.5m would be two storey. It would include a 12.5m long front projection, of which 6.4m long would be two storey (7.7m to ridge) and 6.1m long single storey (4.8m to ridge)(all figures stated are approximate). The two storey element would extend approximately 8m beyond the front (south-facing) elevation of no.52, and would infill the space between the house of no.52 and its detached double garage. This would likely result in some casting of shadows to the front curtilage area of no.52 in the afternoon; it is likely that there would currently be a degree of overshadowing from the existing large Willow tree, one limb of which projects forward of the front elevation of no.52. Given the stand-off distance of no.52 from the boundary, the potential loss of light to the front rooms of no.52 and the potential sense of enclosure in views from these front rooms would be reduced and would likely be negligible. Windows in the side elevation of no.52 would appear to be secondary with the main elevations of the dwelling facing towards the front and rear. The side elevation of the proposed dwelling also has side openings at ground and first floor. The ground floor windows would serve a study and dining room and the doors would serve a garage and utility; all of which would be positioned behind the boundary enclosure. The first floor windows would serve a bathroom and ensuite and would, therefore, be obscure glazed.

4.25 Two bungalows are included in the scheme on plots 2 and 3 in the south-western corner of the site that back onto two storey houses, whereas the houses to the south of those properties on Elmpark Vale - plots 7-9 - are 2 1/2 storey and back onto lower properties. An approach was made by officers to amend the scheme to

provide more comparable dwellings within the northern section of the site, but the agent has pointed to the separation distances being achieved and the similar approved distances on the adjacent development to the east.

4.26 Concern has been expressed by residents on Greenfield Park Drive about the potential for disturbance from traffic associated with the development, particularly during construction. All construction work does have the potential to result in disturbance to residential amenity, though hours of working can be restricted to daytime hours and restrict working on Sundays and Bank Holidays. Once complete, it is considered that the traffic that would be generated from the additional 9 houses on Greenfield Park Drive would be negligible.

4.27 A desk-based contamination report was submitted with the application, which identifies a low chance of potential contamination on site. Public Protection has not raised any objection to the scheme subject to conditions to restrict hours of construction given the proximity of neighbouring properties, to require CYC to be notified of unexpected contamination and to require the provision of an electric vehicle charge point at each property in line with paragraph 35 of the NPPF and the Council's Low Emissions Strategy (2012).

4.28 Overall, the proposal would be unlikely to cause demonstrable harm to residential amenity that neighbours can reasonably expect in a suburban area and an acceptable level of amenity would be provided to future occupants, in line with one of the core principle in the NPPF and reflected in Policy GP1 of the Draft Local Plan.

ACCESS, PARKING AND HIGHWAY SAFETY

4.29 The NPPF encourages sustainable travel and the location of development in sustainable and accessible locations. The site is within an existing established predominantly residential area and within walking distance of a public transport route and within easy reach of the city centre.

4.30 Local residents of Greenfield Park Drive have raised concerns about the suitability of this road as the proposed access and, as mentioned, the site was deleted from the Local Plan Preferred Sites Consultation document 2016 partly due to the need for further assessment of the access arrangements.

4.31 The proposal has been considered by CYC Network Management, who raise no objections on highway safety grounds due to the limited traffic likely to be generated from 9 dwellings and the negligible impact this would have on Greenfield Park Drive. Revisions were made at the request of the section to allow the incorporation of a refuse collection space adjacent to the site entrance, thereby negating the need to adopt any of the highway beyond the existing adopted

highway. Sufficient parking for residents and visitors is included in the scheme. Conditions are requested relating to provision of car and cycle parking.

FLOOD RISK AND DRAINAGE

4.32 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk but, where development is necessary, making it safe without increasing flood risk elsewhere (paragraph 100). This advice is reflected in Draft Local Plan Policy GP15a.

4.33 The application site is located within low risk Flood Zone 1 and should not, therefore, suffer from river flooding. Concerns have been raised by local residents about the potential exacerbation of existing surface water problems in the area as well as the future of the open ditch between the site and the properties on Elmpark Vale. Drainage information has been submitted with the application. Foul water is proposed to be discharged to the foul water sewer on Greenfield Park Drive. Surface water drainage is proposed to be discharged to the existing surface water sewer on Greenfield Park Drive, which would be fitted with a flow control at point of discharge. The agent has confirmed that the existing ditch lies outside the planning application site.

4.34 Yorkshire Water and the Internal Drainage Board have raised no objections subject to conditions. The Council's Flood Risk Engineer has considered the drainage information submitted with the application and has sought further clarification. He raises no objection in principle subject to conditions to agree outstanding details. On this basis, the engineer does not envisage that flooding in surrounding gardens will be increased as a result of the development. Therefore, the proposal accords with advice in the NPPF and Draft Local Plan Policy GP15a.

5.0 CONCLUSION

5.1 The proposal involves the erection of 9 no. detached dwellings on a parcel of land within a predominantly residential environment that lies within the main urban area of York. It is in a sustainable and accessible location at a low risk of flooding and is compatible with the surrounding area. The proposal would respect the character and amenity of the local environment, without adversely affecting highway safety. Archaeology can be adequately mitigated. Revisions have been made to the scheme to address issues raised by officers relating to protected trees and residential amenity, and further clarification has been provided on drainage. In light of the above, the application is recommended for approval as, subject to the imposition of conditions, it complies with national and local planning policy.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

- Drawing no. 517/01H 'Site layout sections and location', dated 2 May 2017;
- Drawing no. 517/02B 'Plots 1 and 2', dated 2 May 2017;
- Drawing no. 517/03A 'Plots 4, 5, 8 and garages', dated 2 May 2017;
- Drawing no. 517/04 'Plots 6 and 7', dated December 2016;
- Drawing no. 517/05B 'Plot 9', dated 26 June 2017;
- Drawing no. 517/06A 'External Works Details', dated 22 December 2016;
- Drawing no. 517/07B 'Sections CC and DD', dated 2 May 17;
- Drawing no. 517/08 'Plot 3' dated May 2017;
- Drawing no. 2714/4 Rev.B 'Detailed Landscape Proposals', dated 20 April 2017;

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

3 A) Prior to the commencement of development a written scheme of investigation (WSI) shall be submitted to and approved in writing by the local planning authority. No archaeological evaluation shall take place until the WSI has been agreed. The WSI should conform to standards set by the Chartered Institute for Archaeologists.

B) The site investigation and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. Note: This part of the condition shall only be satisfied when these elements have been fulfilled in accordance with the programme set out in the WSI.

C) A copy of a report on the evaluation and an assessment of the impact of the proposed development on any of the archaeological remains identified in the evaluation shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 6 weeks of completion or such other period as may be agreed in writing with the Local Planning Authority.

D) Where archaeological features and deposits are identified proposals for the preservation in-situ, or for the investigation, recording and recovery of archaeological remains and the publishing of findings shall be submitted as an amendment to the original WSI. It should be understood that there shall be presumption in favour of preservation in-situ wherever feasible.

E) No development shall take place until:

- details in D have been approved and implemented on site
- provision has been made for analysis, dissemination of results and archive deposition has been secured
- a copy of a report on the archaeological works detailed in Part D should be deposited with City of York Historic Environment Record within 6 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

Reason: The site lies within an area of archaeological interest. An investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ. This condition is imposed in accordance with Section 12 of NPPF. This condition is required to be prior to commencement of development in order to ensure that no archaeological features or deposits are adversely affected by any works carried out at the site.

4 Before the commencement of development including excavations and building operations, an Arboricultural 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. Amongst others, this statement shall include details and locations of protective fencing, site rules and prohibitions, phasing of works, site access during preparation and construction, types of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles, locations for stored materials, locations and means of installing utilities, location of site compound and marketing suite. A copy of the document will be available for inspection on site at all times.

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 and/or development. This condition is required to be prior to commencement of development in order to ensure that no protected trees are adversely affected by any works carried out at the site.

5 The approved detailed landscape proposals shown on drawing no. 2714/4 Rev.B, 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 substantial completion of the planting, 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 the Local Planning Authority agrees alternatives in writing. Any works to existing trees that are protected by a tree preservation order

(TPO) are subject to local authority approval within and beyond this five year period.

Reason: The landscape scheme provides environmental mitigation and is integral to the amenity of the development.

6 The development hereby approved shall be carried out in accordance with the drainage scheme details shown on drawings numbers 11679/5000-02 'Drainage Layout Plan', 11679/5000-03 'Existing Catchment Area Plan', 11679/5000-04 'Proposed Catchment Area Plan', 11679/5000-05 'Flow Control Manhole S1 Construction Details', dated November 2016. Unless otherwise agreed in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal.

7 No construction shall take place until details of the proposed means of surface water drainage, including details of off site balancing and mitigation works, have been submitted to and approved by the Local Planning Authority. The development shall be implemented prior to occupation of the development.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

8 NOISE7 Restricted hours of construction

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

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

10 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the construction of the development commences and shall be provided in accordance with the approved details before the development is occupied.

Reason: In the interests of the visual amenities of the area and the amenities of neighbouring properties.

11 Prior to the commencement of any construction works on the site, provision shall be made within the site for the duration of the development to allow for contractors parking.

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.

12 HWAY18 Cycle parking

13 HWAY19 Car parking provision

14 No construction works shall commence until details of the junction between the internal access road and the highway shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until that junction has been constructed in accordance with the approved plans.

Reason: In the interests of highway safety.

15 In the event that unexpected contamination is found at any time when carrying out the approved development, 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.

16 A three pin 13 amp external electrical socket shall be installed within each garage or on the drive of each of the approved properties prior to its occupation. The sockets shall be located in a suitable position to enable the charging of an electric vehicle on the driveway using a 3m length cable.

Note: Any socket provided must comply with BS1363, or an equivalent standard, Building Regulations and be suitable for charging electric vehicles. Where located externally it should also have a weatherproof cover and an internal switch should be

also provided in the property to enable the socket to be turned off.

Reason: To promote sustainable transport through the provision of recharging facilities for electric vehicles.

17 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), development of the type described below shall not be erected or constructed:

A) Classes A (extensions) and E (outbuildings) of Schedule 2 Part 1 of that Order removed for plots 1, 4, 5, 7 and 8;

B) Class B (roof alterations) of Schedule 2 Part 1 of that Order removed for plots 7, 8 and 9.

Reason: In the interests of the (A) protecting the long term viability of the protected trees and (B) protecting 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 2015.

7.0 INFORMATIVES:

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:

- Pre-application advice;
- Revisions to address areas of concern including proximity of building to trees and highway matters;
- Further information sought regarding drainage;
- Imposition of conditions to mitigate potential identified harm.

2. INF11 - Control of Pollution Act 1974

3. INF1 – Streetworks Special Permission – Stuart Partington

4. INFORMATIVE: Drainage

The public sewer network does not have capacity to accept an unrestricted discharge of surface water. Surface water discharge to the existing public sewer network must only be as a last resort, the developer is required to eliminate other means of surface water disposal.

The applicant should be advised that the relevant lead drainage authority's prior consent is required for any development including fences or planting within 9.00m of the bank top of any watercourse within or forming the boundary of the site. Any proposals to culvert, bridge, fill in or make a discharge to the watercourse will also require the authority's prior consent.

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