

COMMITTEE REPORT

Team: East Area
Date: 13 July 2006

Ward: Haxby And Wigginton
Parish: Haxby Town Council

Reference: 06/00583/FUL
Application at: 37 Towthorpe Road Haxby York YO32 3LZ
For: Erection of 5 no. detached dwellings to the rear of 37-43 Towthorpe Road
By: Hogg Builders (York) Ltd
Application Type: Full Application
Target Date: 24 May 2006

1.0 PROPOSAL

1.1 This L-shaped application site measures 0.28ha and is located to the west of Towthorpe Road and to the south of New Forge Court. The site lies within the settlement limits of Haxby. The land itself is within the curtilage of 37 and 43 Towthorpe Road, and no. 24 New Forge Court. The land within the curtilage of no.24 is owned by the applicant and let out on an annual licence. The site is divided into two at present by a leylandii hedgerow and silver birch trees.

1.2 Access to the site would be taken from the New Forge Court, with two detached dwellings sited to the west of the access road, and a further three to the east. The main elevations of the dwellings would be orientated towards the access. The four detached dwellings on the northern part of the site would have rear conservatories and integral garages. The fifth larger dwelling in the southern part of the site would have a detached garage with office/store above.

1.3 A supporting statement, tree survey, flood risk assessment and drainage details have been submitted with the application. During the course of the application further drainage information, a revised flood risk assessment, levels and cross sections through the site, tree and ecology surveys. Amendments were made to the site layout to transpose the two of the dwellings, provide a bin store, increase retention of trees/hedges on the site and make alterations to the front curtilage of dwellings and the shared driveway.

Planning History

1.4 04/01810/FUL Erection of three dwellings to rear of 43 Towthorpe Road (north part of the site). Withdrawn following concerns it would landlock the southern part of the site.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

2.2 Policies:

CYSP6
Location strategy

CYH4A
Housing Windfalls

CYH5A
Residential Density

CYGP1
Design

CYGP4A
Sustainability

CYGP10
Subdivision of gardens and infill devt

CGP15A
Development and Flood Risk

CYNE1
Trees, woodlands, hedgerows

CYT4
Cycle parking standards

CYL1C
Provision of New Open Space in Development

CYED4
Developer contributions towards Educational facilities

3.0 CONSULTATIONS

3.1 Internal

Highways Network Management - No objection, subject to amended plans submitted showing a refuse storage area within 23m of New Forge Court. On submission of plan showing this, raise no objection subject to conditions. State that the junction of New Forge Court and Towthorpe Road is suitable to deal with small increase in traffic, estimated to be three vehicle trips in the peak hours, that would be unlikely to have any material effect on the local highway network. Visibility at the New Forge Court and Towthorpe Road is within recommended guidelines. Car and cycle parking and on site turning are provided in accordance with standards.

Urban Design Group (Landscape Architect)- On the original submission raised concerns that application provided inadequate tree information, and would have resulted on the significant loss of vegetation which could have altered the character of the site. Recommended more tree retention, a proper tree survey and replacement tree planting

On submission of tree survey and amended plans, state this retain a few more trees, but not the silver birches, which is disappointing, though this itself is not sufficient reason to refuse, as there are of limited amenity value and not rare/long lived species. Adequate replacement

tree planting should be proposed, and it is disappointing this has not been provided. This can be acquired through condition and would be expected to consist of six heavy standard trees within front gardens, variety of specimen shrubs/small trees, and cover planting between the shared drive and the front boundaries. Foundations will need to be designed to accord with ground conditions and tree species.

(Ecologist)- On the original submission raised concerns on the loss of one of the few open areas within Haxby, and potential impact on sparrowhawks on site, that may require greater retention of trees and hedges.

Comments awaited on the ecology report and amended plans submitted. These will be reported to Committee.

Structures and Drainage - On the original submission, required further flood risk/surface water drainage information to be submitted. On submission of this information, states the site will not suffer from river flooding, however the Flood Risk Assessment (FRA) does not cover revised surface water drainage and is therefore invalid. The development should not allow for land to be raised, to prevent run off, and the land is known to have waterlogging problems. Consent to connect to the existing Old Coppice system should be obtained from users and the Foss Internal Drainage Board. The existing problems has had problems with maintenance in the past, and it is believed the Windmill Way culvert has no spare capacity. The development appears to generate 2l/s new flow without compensatory storage from existing development, and therefore object.

Education - A contribution of £11,621 is required in respect of one extra pupil at Joseph Rowntree Secondary School. No contributions required for foundation and primary school.

Leisure - As there is no on site public open space commuted sums should be used to provide amenity open space, play space and sports pitches (in the North Zone of the Sport and Active Leisure Strategy).

Environmental Protection - No objection subject to conditions to report any detected contamination and hours of construction.

3.2 External

Town Council- Object on the ground it is backland development, and support objections from neighbours. Note the removal of trees and would like to see any decision subject to the approval of the Council's Tree Officer. Also cite other examples of backland development in Haxby the Council has approved.

Any further representation on the amended plans/further information submitted with the application will be reported to Committee.

Foss Internal Drainage Board- On the original submission, required further flood risk/surface water drainage information to be submitted. On submission of this information state that whilst a number of issues have been addressed, a number are outstanding. It is not known how or where current properties are served in relation to surface water disposal, and the site may have no current outfall. The proposal may resolve some of these issues. However any increase in discharge to Windmill Way culvert would not be accepted. There has been a problem with waterlogging on the site when adjacent land levels were raised. It is recommended this is considered during the design process, and this should be confirmed. Notification of any land drainage pipes constructed and how this influence storage facilities and watercourses that will receive the discharge.

The revised FRA does not cover the means cover the proposed method of surface water discharge. It states it will be discharged into the Forge Court sewer, not the Old Coppice system, and this may invalidate the whole assessment as it does not consider discharge into Windmill Way culvert. Query whether the land owner's permission has been sought to connect the system to the Old Coppice. The drainage calculations suggest a 25% increase into Windmill Way culvert that is unacceptable unless it can be proved this has negligible effect (this is not considered with the FRA). The site sections are interesting, though nothing is suggested to deal with waterlogging in low points. Unfortunately, there are still a number of questions that need addressing.

Yorkshire Water- If permission is granted recommend conditions for separate foul/surface water systems, the submission of full drainage details and no surface water discharge until completion of drainage works.

Observations: development of the site should take place with separate foul and surface water systems. Foul water may discharge to a foul sewer in New Forge Court, not to exceed 6l/s. The surface water sewer does not the capacity to accept unrestricted discharge, and the relevant drainage consultees should be contacted to establish a suitable watercourse. Surface water may discharge to the surface water sewer in New Forge Court, though on site storage may be required and discharge not to exceed 2l/s. If the sewage will not drain by gravity, then a pumping station may be required. The developer may also have to take precautions to prevent risk of flooding from surcharge of the sewer, if levels are lower than the point of connection. Land drainage must not discharge into the public sewer. The submitted drainage details are not acceptable as the proposed foul water pumping station peak output at the design head is not shown, nor proposed foul water drainage connections.

Public Consultation- Six letters of objection/concerns on the following grounds

- The raising of levels may worsen existing drainage problems. Reference is made to the report by the Local Government ombudsmen who found maladministration by the Council had caused injustice to a resident who has been awarded compensation.
- Height of proposed dwellings and proximity to adjacent properties on New Forge Close, The Old Coppice and Folks Close, resulting in overlooking of adjacent properties and their gardens, and loss of light the Old Coppice and overshadowing
- Boundary fences should be erected identical to neighbouring properties to protect privacy
- Loss of trees of amenity value and impact on birds
- Trees on adjacent properties would shade the proposed houses.
- Driveway alterations resulting from the new access could be dangerous

One further letter to amended plans from an objector re-iterating concerns over the height and proximity of a dwelling to an adjacent property adjacent New Forge Close, requesting hipping and no raising of ground levels and reiterating drainage/waterlogging concerns.

4.0 APPRAISAL

4.1 PPG3: Housing requires Authorities to provide sufficient housing land in a sustainable manner and widen housing opportunities and choice. It advocates the use of previously developed land, and a sequential approach to housing which requires development to be assessed against the availability of previously developed land, location and accessibility, the capacity of exiting infrastructure to absorb development, ability to build communities and environmental and physical constraints. Regional Spatial Strategy for Yorkshire and the Humber Policy H2 reiterates the sequential approach. North Yorkshire adopted Structure Plan housing policies provide related advice.

4.2 PPS1: Delivering Sustainable Development promotes in part good design and the consideration of amenity issues. PPG25: Development and Flood risk identifies flooding as a

material planning consideration, including surface water and land drainage issues, and identifies that the information provided should be sufficient to enable the Authority and its consultees to properly assess this issue.

Principle/Sustainability:

4.3 The proposed development is located within the development limits of Haxby. The site comprises under used parts of rear gardens and curtilages of the surrounding rear properties and thus in PPG3 terms would constitute previously developed land. The site area, by taking land to the south up to the boundaries with adjacent properties, has removed landlocking as an issue.

4.4 The site has reasonably good access to a range of facilities and services, and is accessible via public transport and for pedestrians and cyclists, in terms of sustainable use of transport. In terms of impact on local services, there is a requirement to provide a commuted sum of £11,621 for one secondary school place at Joseph Rowntree Secondary School, in accordance with the 'Developer Contributions to Education Facilities' Supplementary Planning Guidance.

4.5 The development of five dwellings is below advice in Draft Local Plan policy L1c in relation to the provision of on site open space. Thus open space would be provided through an off site commuted sum for £8, 804 for children's play space, amenity space and sports pitch provision. The applicant is agreeable to the commuted sums.

Open Space and Trees:

4.6 The site is not shown as open space on the Draft Local Plan Proposals Map and nor is it protected by open space policies, and as stated above, constitutes previously developed land. There is no public access to the site, but rather it is well enclosed by adjacent properties and, beyond some of the gardens of the adjacent properties, it is only publicly viewable to an extent from the end of New Forge Court, over the curtilages these properties.

4.7 There are nevertheless trees on the site, and the applicant was asked to provide a trees survey. The trees are of some limited public amenity value because of their location to the rear of properties, and in varying states of health and maturity. They mainly would be removed to make way for the development, including the leylandii and silver birches which currently separate the two parts of the site, though the amended plans does retain greater planting around the site. None of the trees on the site are protected or worthy of protection, though as do add some character overall to the site, it would reasonable for details to be provide as part of any conditioning of landscaping to include significant replacement tree planting to be provided. With this, the development is considered acceptable in relation to trees and open space.

4.8 The layout of the development would effectively be as an extension of New Forge Court, with properties sited on the either side of the shared drive. A slightly unusual post and rail arrangement is proposed in the front curtilage of the plots, set back slightly from the widened shared drive, but this itself doesn't raise substantive planning issues. The use of detached dwellings would be also be in keeping with the location.

4.9 The development is of low density at 18 to the hectare which is well below PPG3 and Draft Local Plan recommended minimum density levels at 30 and 40 to the hectare, respectively. However policy guidance also identifies that density needs to be countered against issues of character and form, and the proposed density would by and large accord with local densities in the area. The four dwellings in the north part of the site would accord with local densities on New Forge Court and Towthorpe Road. The single dwelling in the south part of the site would be of lower density, but this reflects the location of this portion of land and in particular the proximity to the bungalow at no1. The Old Coppice to the south,

whose rear elevation lies 1-3m from the boundary of the site. The low density of the development also helps provide opportunities for replacement tree planting.

Ecology:

4.10 An ecological report by a suitably qualified expert was submitted in view of sparrowhawk issues been raised on the site. The report states that it found some evidence of woodpigeon and goldcrest nests in use on the site, though at the time of the site visit by the ecology consultant no sparrowhawk nests were found. The report also comments that there is little evidence of sparrowhawks returning to former sites, and they do not generally nest close to houses. It does recommend tree felling should be avoided during the breeding season (April-August). It also reports that no signs of other protected species were found on the site, and that the site cannot be considered to have interest of recognised local importance. The Council's Ecologists comments on the ecological report are awaited.

Highways:

4.11 The development would be accessed by way of a shared drive arrangement. The use of New Forge Court, which leads onto Towthorpe Road, and the addition of five dwellings is considered acceptable in terms of traffic generation and highways safety issues. The development would provide commensurate levels of off street car parking and secure cycle storage.

Residential Amenity:

4.12 The development is spacious and would provide a reasonable level of amenity for future residents. The new dwellings would be sited well away from the dwellings on Towthorpe Road, and rather the greater impact would be on the adjoining properties on New Forge Court and The Old Coppice. The access into the site benefits from a significant gap between the dwellings nos. 21 and 24 New Forge Court, and would still leave commensurate front garden areas for these properties. The applicant also does have ownership of this land. Levels do gradually slope down to the application site from New Forge Court and down to the Old Coppice on the opposite side of the site.

4.13 No. 21 New Forge Court would be side elevation to side elevation with the proposed adjacent ('plot 1'). Close board fencing on the boundary would adequate screening at ground floor level. 'Plot 1' would also be set in from the boundary and because of the ground levels, its height would be lower than no. 21.

4.14 No.24 New Forge Court is a bungalow with rear conservatory, and its rear garden would back onto a plot for a proposed two storey house ('plot 5'), with the side elevation of the house on 'plot 5' 14m from the rear elevation of no. 24. Plot 5 would be due south, and thus there could be impact on light and aspect. The amended plans have reduced the height on this plot by 0.75m to ameliorate this, as would the lower land levels. Plot 5 would be 1.1m lower in levels than no. 24. No. 24's conservatory is on the opposite part of the rear elevation and would face towards rear garden of 'plot 5'. Taking account of the amendment in height made, the effect on no. 24's amenities is considered acceptable.

4.15 At the opposite end of the site, the rear elevation of the bungalow at no.1 The Old Coppice is close to the boundary of the site and would face towards the side of a large dwelling proposed on 'plot 3'. Levels under this proposed dwelling would also be 0.5m higher. However the distance between the two would be 12-13m, and the plot 3 is to the north, so there would no significant light loss. The double garage for plot 3 is at eaves level nearest no. 1, with the roof further hipping away. A line of cut back conifers would be maintained between plot 3 and the gable end of no. 2 Old Coppice to the north, with the nearest other proposed dwelling to no. 2 also sited an acceptable distance away.

Drainage

4.16 Proposed surface water drainage as shown on the revised drainage details and FRA shows a storage tank to be provided under plot 3 that would drain into Windmill Way culvert which is found at the end of the Old Coppice, approximately 40m away. The rate of discharge from the storage tank would be limited to 2 litres per second. The view of the Foss Internal Drainage Board however is that Windmill way Culvert is already at capacity and unless it can be satisfactorily demonstrated, otherwise the Board would not accept any increase in discharge as it has caused localised surface water drainage issues in the past. They also highlight the drainage calculations provided show a significant increase in maximum discharge.

4.17 No information has been submitted in relation to the existing surface water drainage arrangements for the site, though as the application site is just all gardens it is suspected there is no current surface water discharge system within the site. Therefore the surface water discharge would be additional new flow, rather than a substitute for an existing discharge. In the absence that it has been demonstrated Windmill Way culvert can adequately take the additional surface water discharge, there is potential for surface water and flood risk problems.

4.18 The levels changes on the site relating to the impermeable areas (e.g. dwellings, driveways, patio areas) would be drained into the surface water system. The topographical and site sections submitted do also show there would be some changes to land levels in the remaining permeable areas, with use of retaining walls on plot 3 nearest properties on the Old Coppice. The site is known to have land drainage problems, and run off from ground levels changes on the adjacent Old Coppice development has caused waterlogging and flooding of the garden to no. 37 Towthorpe Road, part of which falls within the application site. An ombudsmen investigation upheld a complaint against the Council in this respect. Whilst this development could potentially be an opportunity to sort land drainage problems on the site, no information has been submitted that would indicate this has been taken account of in the design, and that the levels changes would not result in ponding at low points, waterlogging and run off to adjacent properties.

4.19 In terms of surface water and land drainage, given the very particular problems there are on the site and in the immediate vicinity with these issues, it has not been demonstrated the development would deal with these issues. This conflicts with PPG25 advice on the adequacy of information and potential for localised flood risk, and PPG3 in terms of the lack of infrastructure to adequately deal with the development in this respect.

4.20 The foul water would connect into the existing sewage system on New Forge Court, with a private foul pumping station, as the levels on the site are lower than New Forge Court. The principle of this means of dealing with foul water is acceptable to Yorkshire Water, though details of the design of the pumping station and connection have not been submitted, and Yorkshire Water would wish to agree these as part of the detailed drainage design. This is a matter which could be dealt with through condition, in the event of an approval.

5.0 CONCLUSION

5.1 The development is considered acceptable in terms of the use of previously developed land for housing, open space and trees issues, density, visual and residential amenities, and highways considerations, with the amendments and further information which has been submitted with the application. However, it has not been demonstrated that the development can be satisfactorily surface water drained and would not result in further land drainage problems, and thus could exacerbate the likelihood of localised flooding.

5.2 A revised flood risk assessment report was submitted on 22 June, which concluded that the development satisfies the requirements of PPG25 'Development and Flood Risk' if its recommendations are adopted

Foss I.D.B. and the Council's drainage engineers have been consulted on this report, and both conclude that its recommendations do not satisfactorily resolve the problems of surface water drainage (rainwater drainage of roofs and other hard surfaces) or the land drainage problems on site (waterlogged gardens).
They conclude that;

Surface water is proposed to be discharged into Windmill Way culvert by a second dual storage and regulation system, which restrict the outfall to be no more than at present, but over a longer time period. This is acceptable in principle, but it is a complex system, which will have several private owners, and a dependable maintenance system should be in place before this method of surface water drainage should be accepted.

Retaining walls are shown within the garden areas to protect the proposed house from waterlogged garden land. However it is not shown how the gardens of existing houses in Old Coppice would be protected from flooding. There is no positive land drainage, and no outlet is shown. The gardens are known to drain badly, and they may be a drainage sump, with no known drainage outlet. The development proposals have not shown how this land drainage problem will be overcome.

6.0 RECOMMENDATION: Refuse

- 1 It has not been demonstrated that development would adequately deal with issues of surface water and land drainage issues, based on the information submitted with the application. The site and its environs already suffer from the inadequate nature of surface water drainage area and problems with run off and waterlogging. The absence of a satisfactory means of proposed drainage with this development may exacerbate the likelihood of local flooding. The development is therefore considered to conflict with Central Government planning guidance in PPG3: Housing and PPG25: Development and Flood Risk, and Policy GP15a Development and Flood Risk of the City of York Draft Local Plan Incorporating the 4th set of changes (Approved April 2005).

7.0 INFORMATIVES:

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