

COMMITTEE REPORT

Committee: East Area
Date: 14 September 2006
Ward: Strensall
Parish: Earswick Parish Council

Reference: 06/01020/FUL
Application at: 122 Strensall Road Huntington York YO32 9SJ
For: Erection of 6 no. dwellings
By: Hogg Builders (York) Ltd
Application Type: Full Application
Target Date: 4 July 2006

1.0 PROPOSAL

1.1 The application site is located on the east side of Strensall Road, within the settlement limits of Earswick village. The site area measures 0.25 hectares and contains a house with various agricultural outbuildings to the rear. The character of the area within the vicinity of the site is predominantly residential, with fields to the rear of the site. There are two protected trees (TPO CYC 69) within the front curtilage of the neighbouring property no. 124 Strensall Road.

1.2 All existing buildings on the site would be demolished and would be replaced with a terrace of four houses fronting Strensall Road and two detached dwellings to the rear of the site. The terrace properties would comprise two 2 bedroom and two 3 bedroom houses whilst the detached properties would have 5 bedrooms. The existing highway access between the farmhouse and no. 124 would be widened with pedestrian visibility splays provided at the entrance and extended to serve the dwellings and no. 124 Strensall Road. Parking would be accessed from a shared drive with the two bedroom houses having two allocated spaces each, the three bedroom houses having one allocated space and a single garage each and the five bedroom houses have detached double garages with study/office above and private driveways. Means of enclosures are proposed to site boundaries and to plot boundaries within the site, comprising a mix of walls, walls with railings and various types of timber fencing.

1.3 The submission of the application follows a previous approval by the land owner for six dwellings with associated parking (04/02668/FUL). This application proposes the same number of properties but with a differing layout of properties, house mix and house design. Previously there were 4 no three bedroom, 1 no four bedroom and 1 no five bedroom properties approved.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

2.2 Policies:

CYGP1
Design

CYGP4A
Sustainability

CYGP6
Contaminated land

CYGP10
Subdivision of gardens and infill devt

CYGP9
Landscaping

CYH4A
Housing Windfalls

CYH5A
Residential Density

CYHE10
Archaeology

CYNE1
Trees, woodlands, hedgerows

CYT4
Cycle parking standards

CYH2A
Affordable Housing

3.0 CONSULTATIONS

3.1 Internal

(i) City Development - Proposal needs to satisfy Policy H4a. Should be noted that the proposal is below the recommended density set out in Policy H5a. Policy GP4a requires a sustainability statement for all development. Policy L1c requires a commuted sum payment towards off site provision of open space on sites of less than 10 dwellings.

In response to agent's letter regarding affordable housing provision - Disagree with the assertion that there is no policy justification for the Council's request for affordable housing based on unadopted status of the development plan...[and]...that the affordable housing note is flawed and cannot be given weight....In this case, however, the extant consent is a material consideration and...a key issue is the differences between the two schemes. Firstly, the number of units remains the same between the two schemes which is a significant factor. Had the number of units changed in this revised submission it would be appropriate to reassess the application in terms of the policy change since the previous application. Secondly, the mix in terms of house sizes has changed and the current scheme offers a wider mix of choice, including some smaller units. In conclusion...note that there is an existing consent with no requirement for affordable housing, there is no proposed change to the number of units in the current application and there are improvements in the housing mix.

(ii) Highway Network Management - No objections. Access to the site is to be taken via the existing vehicular access onto Strensall Road, which is to be widened to 5m to allow for two-way traffic flow. The widening of the access will be carried out under section 184 of the 1980 Highways Act and will also require the relocation of 2 no. existing bollards. These works will be at the applicants expense. Sightlines at the means of access are acceptable and the limited amount of development proposed is not expected to have a detrimental impact on the existing highway network. The internal layout is proposed to provide a private shared surface drive. The layout provides parking in accordance with CYC maximum standards and turning for vehicles clear of the public highway. Request conditions.

(iii) City Archaeologist - ARCH2 and condition requiring photographic recording requested.

(iv) Conservation Officer - requests recording condition based on methodology provided by Council.

(v) Landscape Architect - Should be no new wall between private road and 124 Strensall Road because excavations would cause damage to roots of protected trees. Existing privet hedge should remain. Requests details of service runs for same reason. Requests conditions for protective fencing, details of driveway construction and landscaping (to include supplementary planting along northern boundary fence and within front gardens of terraced houses).

In response to revised plan - Disappointed that a wall is still proposed adjacent to the Walnut, objections to this were raised in the previous application; subsequently this boundary detail was never approved [a condition was attached requiring details of means of enclosure to be agreed]. Prefer to see privet hedge retained. The applicant could erect a 2m wall along this boundary without requiring planning consent. However, [as the council] has made the applicant aware that this...may cause damage to the protected tree...this could be construed as wilful damage. The railing detail 7 alongside the horse chestnut...would be an acceptable compromise. Further detail under condition of highway access tactile paving required. Pleased to see hedge to rear and planting within front gardens as suggested. Condition LAND1 and tree protection.

(vi) Environmental Protection Unit - No objections subject to conditions covering contamination and hours of construction.

(vii) Education - financial contribution sought of £15,531 towards secondary education provision.

3.2 External

(i) Earswick Parish Council - No objections.

(ii) Foss Internal Drainage Board - No objection provided there is no increase in the rate of discharge to the public sewer and recommend condition to confirm this.

(iii) North Yorkshire Police - The cul-de-sac layout and good levels of natural surveillance from surrounding properties should help provide a secure environment. Only weakness appears to be the type and height of fencing proposed for the northern boundary. A 1.2m high post and rail fence will not provide a secure boundary. Should be a min. 1.8m high vertical close boarded fence.

(iv) Response from local residents raising following issues:

- request condition that excludes windows in SW face of plot 5 dwelling.
- request existing wall and railings on main road retained.
- some concern about visual impact of plots 1-4 as pushed forward towards the road.

4.0 APPRAISAL

4.1 The main issues are considered to be:

- principle of residential development
- density of development
- affordable housing provision
- character and form
- residential amenity
- trees/landscape
- highways
- land contamination
- drainage
- archaeology
- sustainability
- education and public open space contributions

4.2 Relevant planning policy is contained within national government advice in Planning Policy Statement 1: Delivering sustainable development and Planning Policy Guidance Note 3: Housing (March 2000), Regional Spatial Strategy (RSS) for Yorkshire and Humberside (2004) and at the local level in the City of York Draft Local Plan (incorporating the 4th set of changes, April 2005), details of the latter are contained in section 2.2.

4.3 The principle of housing development on the application site at a density of 22 dwellings per hectare following demolition of the existing unlisted buildings with

access via a shared drive from Strensall Road has been agreed by approval of the previous application (04/02668/FUL). A lower density on the site was approved as this had regard to the scale and density of the surrounding area. The proposed scheme would provide a mix of house sizes, including two two-bedroom houses, two three-bedroom houses and two five-bedroom houses, which is encouraged by PPG3 and Policy H3c of the Draft Local Plan, and is a greater mix than the previous approval, which was for four three-bedroom houses, one four-bedroom house and one five-bedroom house.

4.4 Since the last application was approved in September 2004, the Council has adopted the City of York Draft Local Plan (incorporating the fourth set of changes, April 2005). The significant policy situation that has changed as a result of this, is that relating to affordable housing, which is a material consideration in the determination of the application. The previous application was determined on the basis of the second set of changes to the Local Plan and fell below the site threshold for provision of affordable housing. Applications submitted after April 2005 have been consistently assessed on the basis of Policy H2a of the draft Local Plan incorporating the fourth set of changes, which is based on the 2002 housing needs survey (updated in 2006) and seeks a 50% affordable provision for all new housing developments on sites of more than 2 dwellings or 0.03ha in villages with less than 5,000 population, including Earswick.

4.5 The applicant's agent has been approached about the provision of affordable units on the site, but disagrees with the Council's policy justification to request such provision. He highlights the fall-back position that exists in the form of the extant permission with no requirement for affordable housing. He claims that the applicant will implement the extant permission if the Council continue to request affordable housing on the site, and as the improved mix of house types provided by the current scheme, including two-bedroom houses, would be lost as a result contrary to policy objectives.

4.6 The existence of the previous approval is a material consideration that needs to be weighed in the determination of the application. What needs to be considered is whether the policy situation has changed significantly since the last decision to outweigh the important material consideration of an extant permission and whether any beneficial planning purpose would be served by refusal of the current application.

4.7 In design terms, the two rear dwellings are of substantial greater massing and height than the existing dwellings adjacent to the site and to that of the previous approval (10m high as opposed to 8.7m maximum height). They would be located on the fringe of the village, and in close proximity to the boundary with York Green Belt, with plot 5 being closer to the boundary by approximately 3m than the previously approved buildings, though this would be angled to the site boundary.

4.8 The scheme also proposes a terrace of four houses (21m in length) at the front of the site, forward to the existing house to be demolished and those either side of the application site. At its nearest point, the terrace would be 3.6m from the site boundary. This would result in a more continuous frontage, closer to the road, which is not typical of the form of the surrounding area.

4.9 The proposed dwellings on the frontage would be located only 1m from the southern site boundary and would project significantly further forward than the adjacent property to the south, 120 Strensall Road. However, they would be to the north of no.120, which is itself set 5m away from the shared boundary. There is sufficient distance between the proposed properties and the adjacent dwellings to the north to preserve a reasonable standard of privacy and amenity levels. The removal of a continuing agricultural and livestock use may also improve amenity levels of existing dwellings, in terms of smell, vermin and general noise and disturbance. The development would provide a reasonable level of amenity for future occupiers.

4.10 The two protected trees would be unaffected by the siting of the dwellings, though care needs to be taken to avoid damage to their roots from excavations of foundations, erection of boundary enclosures and creation of the access road. These could be dealt with by condition. However, there is still an issue with regards to the construction of the proposed 1.7m boundary wall with piers adjacent to the protected Walnut. Therefore, a condition would need to be attached to any approval seeking an alternative means of enclosure to be agreed. An existing privet hedge exists along this boundary that could be retained or replaced following construction.

4.11 The widening of the current access to serve the six dwellings and no. 124 is considered acceptable in highway terms, given the access would offer adequate visibility and sufficient width to allow two way flow of traffic at the site entrance. The development is considered not to have a material impact on the highway network, having regard to the size of the development. The internal layout would provide for the dwellings to be accessed in an acceptable manner, with commensurate car parking provided. There would be opportunities to provide secure cycle parking, and this could be dealt with through condition.

4.12 The site was last used for agricultural and livestock purposes. Local Plan Policy GP6 requires that the evidence of the possibility of contamination has been investigated and proposals for dealing with any contamination are included. In order to assess the potential affect of contamination, a desk top study of the historical use of the site has now being provided by the agents with this application. This reveals there should not be any contamination issues. Environmental Protection advise conditioning to cover the possibility of uncovering contaminated land as the development progresses (condition 8).

4.13 In drainage terms, conditions that were attached to the previous approval seeking detail of drainage works should still be attached to any approval. Yorkshire Water previously confirmed that the existing the public sewer on Strensall Road had the capacity to deal with foul water. The Foss Internal Drainage Board have requested a condition to confirm details of surface water drainage, which would be covered by the aforementioned conditions.

4.14 The applicant has submitted a sustainability statement at the request of officers. This concludes that the site is in a sustainable location, accessible by public transport and close to a number of local services and again makes reference to the principle of redevelopment already been agreed. An informative was attached to the

previous approval requesting that the applicant examine the recycling of materials from the site as part of the development for sustainability purposes.

4.15 Conditions are requested by the Council's Archaeologist requiring an archaeological watching brief and a photographic recording of the site and its buildings. The applicant has agreed to pay education and open space contributions on the occupation of the first dwelling of £15,531 and £9,907 respectively, as requested by officers.

5.0 CONCLUSION

5.1 The principle of development of the site for six residential properties with access via a shared drive and the form of development being located to the front and rear of the shared parking area has been established by the approval of the previous extant permission. This extant permission is a material consideration in the determination of the application.

5.2 The proposed scheme has some positive and negative aspects in comparison to the extant permission. It proposes the same number of units though offers the opportunity for a wider mix of housing with the introduction of two smaller units. The new buildings would be more prominent in views of the site, particularly along the street, due to the cumulative effect of the continuous built form and proximity to the site boundary of the frontage properties and increased height and scale of those at the rear.

5.3 The policy situation has changed significantly since the last decision was made in terms of affordable housing provision. However, the applicant's agent has confirmed that the fall-back position of the extant permission would be implemented if the request for affordable housing is pursued. If the fall-back position were implemented, not only would there be no affordable housing provision, but the introduction of the wider housing mix including smaller house types would not be achieved.

5.4 Therefore, on balance, given the presence of the extant permission, the scheme is recommended for approval subject to the signing of a Section 106 agreement to cover education and public open space contributions.

6.0 RECOMMENDATION: Approve subject to Section 106 Agreement

1 TIME2

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

Drawing no. ILF/01B dated 25/07/06 and drawing nos. ILF/02, ILF/03 and ILF/04 dated April 2006;

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

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

3 VISQ8

- 4 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs within the site. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

- 5 Prior to commencement on site, including demolition, building operations, any excavations and the importing of materials, protective fencing to BS5837 Part 8 shall be erected around all existing trees shown to be retained. To protect existing trees within the development site, the fencing shall be erected below the outermost limit of the branch spread, or at a distance equal to half the height of the tree, whichever is the further from the tree. Fencing shall also be erected along the boundary with 124 Strensall Road to protect neighbouring trees. Before commencement on site, the protective fencing line shall be shown on a plan and agreed with the local authority and subsequently adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zones : excavation, raising of levels, storage of any materials or top soil, burning, parking or manoeuvring of vehicles, no mixing of cement, no disposing of washings, no stored fuel et al. The fencing shall remain secured in position throughout the construction process including the implementation of landscaping works. A notice stating 'tree protection zone' shall be attached to each section of fencing. All contractors shall be familiarised with the details of the above and be clear of its gravity.

Reason: To protect existing trees, some of which are subject to a tree preservation order, which are considered to make a significant contribution to the amenity of this area.

- 6 Notwithstanding the information contained on the approved plans, the height of the approved houses shall not exceed the following specified heights as measured from existing ground level.

Plots 1 and 4 - 8.5m;

Plots 2 and 3 - 8.1m;

Plots 5 and 6 - 10m.

Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: to establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

- 7 Notwithstanding the boundary enclosure detail 1 shown on the approved plan, drawing no. ILF/01B, details of a means of enclosure to the site boundary with 124 Strensall Road, adjacent to the walnut tree, shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

Reason: To protect the adjacent preserved Walnut tree.

- 8 ARCH2

- 9 A comprehensive photographic record of all standing buildings shall be made prior to the demolition of the buildings on the site, and two copies submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure a record of the buildings on the site is made for archaeological purposes, and a public record is kept at York Archives.

- 10 Any chemical or other contaminants detected during site works shall be reported to the Local Planning Authority prior to any further development of the site. Any remediation for this contamination shall be agreed in writing with the Local Planning Authority and implemented in accordance with a timetable agreed in writing with the Local Planning Authority.

Reason: To ensure the safety and amenity of future occupiers are protected.

- 11 The site shall be developed with separate systems of drainage for foul and surface water. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the local planning authority. The development shall take place in accordance with the approved details.

Reason: In the interests of satisfactory and sustainable drainage and to ensure that the development can be properly drained.

12 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 and no buildings shall be occupied or brought into use prior to the completion of the approved foul drainage works.

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

13 NOISE7

14 HWAY12

15 HWAY18

16 HWAY19

17 HWAY31

18 HWAY40

19 No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The Open space shall thereafter be provided in accordance with the approved scheme or the alternatives arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy L1 of the City of York Draft Local Plan.

20 No development shall commence unless and until a scheme to ensure the provision of adequate additional foundation and secondary school places within the local catchment area has been submitted to and approved by the local planning authority.

Reason: The education provision within the catchment area of the development has insufficient capacity to take more pupils, such that additional places are required in the interests of the sustainable development of the city in accordance with Policy C6 of the City of York Draft Local Plan and the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated January 2005.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to density, housing mix, affordable housing, character and form, residential amenity, trees, highways, land contamination, archaeology, drainage, education facilities and public open space. As such the proposal complies with guidance in PPS1 and PPG3 and Policies H2a, H3c, H4a, H5a, GP1, GP4a, GP6, GP10, HE10, NE1 and T4 of the City of York Draft Local Plan incorporating 4th set of changes.

2. INFORMATIVE:

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

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

Cafe Licence - Section 115 - Miss T Santana (01904) 551367

3. INFORMATIVE:

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

4. Your attention is drawn to the existence of a legal obligation under Section 106 of the Town & Country Planning Act 1980 relating to this development

5. The applicant is encouraged to examine whether all or a significant part of the materials on site be recycled as part of the development, for sustainability purposes.

6. INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £9,907.

No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.

7. INFORMATIVE:

The provisions of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, The obligation should provide for a financial contribution calculated at £15,531 . The basis for this calculation is contained within the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated January 2005.

No development can take place on this site until the condition has been has been discharged and you are reminded of the Local Planning Authority's enforcement powers in this regard.

Contact details:

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