

COMMITTEE REPORT

Date: 16 August 2012 **Ward:** Rural West York
Team: Major and **Parish:** Upper Poppleton Parish
Commercial Team Council

Reference: 12/01911/OUTM
Application at: Land Between Sports Field And Westview Close York
For: Erection of 13no. dwellings and associated infrastructure
By: Hogg Builders (York) Limited
Application Type: Major Outline Application (13 weeks)
Target Date: 10 September 2012
Recommendation: Refuse

1.0 PROPOSAL

APPLICATION SITE

1.1 The application site lies to the west side of Westview Close, a cul-de-sac which is accessed from Boroughbridge Road. Of the 6 existing houses along the eastern side of close 4 are bungalows (although 2 have rooms within the roofspace) and 2 are 2-storey. The former Civil Service playing fields are to the west of the application site and the Villa Court housing development is to the north.

1.2 According to the 2005 Local Plan proposals map the land is within the green belt. Four of the trees on-site have TPO status (2 Sycamore trees and 2 Beech trees). Two Yorkshire Water sewers run through the site.

PROPOSALS

1.3 The application seeks outline permission for 13 houses which would be no more than 9m high (which suggests 2-storey in height). The house sizes would be 2x 2-bed, 4x 3-bed, 5x 4-bed and 1x 5-bed. The only reserved matters item applied for is the means of access.

RELEVANT SITE HISTORY

1.4 An application was made in 2001 for residential development of the site. The application was refused and an appeal dismissed. It was deemed that to allow the development would be premature as the green belt boundaries were at that time under review. It was unclear as to whether the site was within the green belt. The inspector deemed there was inadequate evidence to demonstrate that the site was not in the green belt. The inspector's decision was that the green belt review should be allowed to go through due consultation and the boundaries of the green belt

established. It would be premature to allow this site to be developed before such an exercise had been undertaken.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175

Schools GMS Constraints: Manor CE 0250

York North West Boundary GMS Constraints: York North West Boundary CONF

2.2 Policies:

CYGP1	Design
CYGP4A	Sustainability
CYGP7	Open Space
CYL1C	Provision of New Open Space in Development
CYED4	Developer contributions towards Educational facilities
CYGB1	Development within the Green Belt
CYH2	Affordable housing on housing sites
CYH3C	Mix of Dwellings on Housing Site
CYH4A	Housing Windfalls

3.0 CONSULTATIONS

INTEGRATED STRATEGY

3.1 Object on the grounds that the site is within the draft Green Belt, it is located outside existing settlement limits (therefore inappropriate as a windfall site), there is a lack of affordable housing provision, and potentially the density of development is too low. Officers add that they consider that York does have an adequate 5-year land supply, as required by National Policy and that this site was discounted as a possible site for residential development due to its green belt location.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT - LANDSCAPE ARCHITECT

3.2 Officers advise that the trees on site and their amenity value restrict the amount of development that can occur on site. The layout shown constitutes over development. In order to inform development of the site a fully detailed tree survey and consideration of future tree growth is recommended.

3.3 Two Sycamores and three Copper Beech trees on site, are subject to Tree preservation order (TPO) CYC99. These are high status trees and should be given absolute protection. They are attractive individual trees that add to the public amenity as viewed from Boroughbridge Road and Westview close (and also

informally within the ex-playing fields). Whilst the majority of trees are outside of the site boundary they read in partnership with this wedge of open space on which they have a physical and visual influence.

3.4 Due to the importance of the trees, there should be no operations at all within the root protection area or canopy spread which ever is the greater. Due to the high significance of the trees, and their maturity, there shall be no change to the immediate ground conditions, thus no paving, paths, or driveways shall be permitted with thin RPA or root spread. Officers consider:-

- The main elevations of units 1 and 2 do not face the adjacent Sycamore (3). Nonetheless, the Sycamore is an exceptionally large tree, and concerns about its safety at such close proximity to property is very likely to be a concern for residents, therefore it would be more appropriate to keep this front area free of development. A young Rowan is also in this area but has not been shown on the drawings.
- Due to the orientation of the site and properties, units 3, 4 and 5 will be particularly affected by shade from the adjacent trees.
- Unit 6 is compatible with existing trees, though the front corner of the house does appear to be uncomfortably tight to the road.
- Unit 7 is too hemmed in between Beech 5 and Sycamore 14.
- The cul-de-sac turning head and unit 8 are too close to Sycamore 14.
- The proximity of unit 9 to the existing hedge and site boundary is impractical.
- Given the trees in the rear gardens of the adjacent properties, the gardens of units 10 and 11 are too short.
- The proposal includes a number of opportunities for new tree planting in front gardens that would add to the public amenity of the development. Ownership of proposed trees should be clear, trees should be in sustainable locations, therefore should be kept a reasonable distance from edges of driveways, pavements and walls to avoid damage in the future.

EDUCATION

3.5 No contributions required.

ENVIRONMENTAL PROTECTION UNIT

3.6 No objection. If the scheme is approved officers ask for conditions to control building works (environmental protection plan and times of working) and that the houses are constructed so future occupants do not suffer an adverse impact from traffic noise. Acceptable noise levels are deemed to be :-

- Bedrooms night-time (23:00 to 07:00) - 30 dB average noise levels and 45 dB max.
- Habitable rooms - 35 dB average during the daytime (07:00 - 23:00) .
- Gardens - average daytime noise levels not to exceed 50 dB.

FLOOD RISK MANAGEMENT TEAM

3.7 No objection. The development is in low risk Flood Zone 1 and should not suffer from river flooding. A condition is recommended so that drainage details are agreed by the LPA.

HIGHWAY NETWORK MANAGEMENT

3.8 No objection. The application is seeking approval for means of access only, which is to be taken from the existing priority junction of Westview Close/Boroughbridge Rd. The level of traffic that will be generated by the scale of development proposed can be accommodated by the existing access, which will continue to operate satisfactorily in terms of capacity and safety. Visibility at the junction is satisfactory and in accordance with national guidance.

3.9 Officers ask for a contribution from the applicants towards the provision of BLISS real time bus displays at adjacent bus stops, to promote sustainable travel by making the public transport offer more attractive. Conditions covering car and cycle parking, together with the provision of improved turning facilities to ensure vehicles can leave the site in a forward gear have also been recommended.

LEISURE, COMMUNITIES AND CULTURE

3.10 Advise that as over 10 houses are proposed there should be some for of public open space within the development. Given that the development is predominantly family housing a small equipped play area for younger children would be appropriate. Off site contributions would be required in lieu of on site amenity space and sports provision.

POLICE ARCHITECTURAL LIAISON OFFICER

3.11 The layout provides natural surveillance. It is recommended access to rear gardens is restricted, using 1.8m fencing and lockable gates or similar and any gaps in the hedge along the west boundary should be in-filled to provide a clear and secure boundary.

INTERNAL DRAINAGE BOARD

3.12 No objection.

YORK NATURAL ENVIRONMENT PANEL

3.13 Object. The proposal constitutes overdevelopment of the site which would threaten well established trees T5 (beech) and T14 (sycamore). The Panel suggest

the removal of plots 7 and 8 to protect and ensure the long term retention of tree No's T5 and T14 respectively.

3.14 There is concern about the potential loss of the historic native hedge along the northern boundary by actions of new property owners. The Panel would ask for a condition to be included if consent is granted to protect the hedge before, during and after construction is complete

YORKSHIRE WATER

3.15 No objection. Note that there are public sewers recorded to cross the site. The applicant/agent is aware and has adjusted the layout accordingly to include the required stand off distances.

UPPER POPPLETON PARISH COUNCIL

3.16 Object

- Inadequate access - The access is onto the A59 close to a busy junction and roundabout and crossing a designated cycle lane. Increased access and egress at this point is therefore prejudicial to road safety and cannot be recommended. The width of Westview Close (4.2 m.) does not allow vehicle passing and refuse vehicles currently reverse into the cul-de-sac owing to inadequate turning radius.
- Established hedgerows and mature trees exist on the site, some with TPOs (Oak, Beech, Sycamore), and these should not be prejudiced by over-development of the site.
- Harm to openness of the green belt - The application site is within the green belt and the rear aspect of the proposed dwellings would be visible from the A59 for some months of the year and at all times if hedgerows were reduced to a height acceptable to residents.

RUFFORTH WITH KNAPTON PARISH COUNCIL

3.17 Object.

- Site is within the green belt therefore inappropriate for housing. It is also unsuitable as a windfall site as the site is not in the urban area and is not in a sustainable location.
 - The development would not deliver the houses required in the city (2 and 3 bed sized houses).
 - Development would be over-dominant over the existing houses along Westview Close. The development would be inappropriate as it would lead to the loss of
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trees and houses should all face onto the access road so to be in character with the immediate area.

- The access is inadequate and increased use would have a detrimental effect on highway safety.
- The drainage in the area does not have the capacity to accommodate the extra development proposed.

PUBLICITY

3.18 Eleven objections have been received. Grounds of objection are as follows:-

- The development is inappropriate as the site is in the green belt (designated by Harrogate Council). The 2001 appeal decision (for residential development of the site) noted that there was inadequate evidence to prove the site was not in the green belt. The land deserves its green belt status in that it prevents coalescence between York and the surrounding villages. This is in particular important now given the growth at Northminster Business Park and the A59 Park and Ride proposals.
- Over-development - it is proposed 13 houses are placed on the site, whilst there are only 6 on the already developed side of the street. Houses 6 and 13 would be unduly close to Cranbrook (house to the south of plot 13).
- Loss of openness / views of the green belt from the surrounding houses.
- Drains have overflowed in the past and the system does not have the capacity for further houses. Yorkshire Water should be consulted on this scheme.
- Extra traffic movement will have a detrimental impact on highway safety.
- Reduced biodiversity value of the site and harm to protected trees.

4.0 APPRAISAL

4.1 KEY ISSUES

- Principle of the proposed development - if the site is within the green belt, and if so, whether there are very special circumstances that justify the proposals.
- Whether the development meets the good design standards required by the NPPF
- The impact on the amenity of surrounding occupants
- Highway Network Management
- Affordable housing
- Open space and education provision

- Sustainable design and construction
- Site drainage and flood risk

PRINCIPLE OF THE PROPOSED DEVELOPMENT

4.2 The Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the National Planning Policy Framework. The National Planning Policy Framework advises that where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or where specific policies in the Framework indicate development should be restricted.

4.3 The NPPF maintains that the purpose of green belts is to prevent urban sprawl and keep land open. The housing that is proposed is classed as inappropriate development, which is by definition harmful to the green belt.

4.4 The application site was last subject to an application to develop it for housing in 2000 (application 00/03065/FUL). The application was refused and dismissed at appeal. At that time the green belt boundaries were under review. The inspector agreed with the view of the Local Planning Authority that it would be premature to allow development of the site prior to the green belt review. Drawing of the green belt boundaries should be subject to due public consultation. The current version of the Local Plan was approved in 2005. The plan is accompanied by the Development Control Local Plan Proposals Maps. The maps show the extent of the green belt and the application site is within the green belt. Although the Core Strategy submission has now been withdrawn, it was proposed as part of the strategy that this land would remain in the green belt.

4.5 Because the site is deemed to be within the green belt the proposal should only be accepted if there are deemed to be very special circumstances.

Whether there are any very special circumstances to allow 'inappropriate' development within the green belt.

4.6 The applicant's case is that York has no statutory green belt and an under-supply of housing. It is argued that York's housing supply is over-reliant on non-allocated (windfall) sites and much of the 5-year supply will either not come forward in the upcoming 5 years, or delivery within 5 years is uncertain. The sites identified include the Barbican, British Sugar, Former York College, Germany Beck, Hungate, Metcalf Lane and Terrys. Additionally if the green belt boundary were reviewed the application site would not warrant inclusion into the green belt. The purposes of the green belt are:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.7 It is the opinion of the applicants that the green belt boundary could be drawn between the application site and the former Civil Service Sports ground without compromising the above objectives.

4.8 As such the scheme should be approved given that the National Planning Policy Framework advises where the Local Plan is out of date planning permission should be granted unless the proposal is contrary to any of the policy within the National Planning Policy Framework.

Green Belt assessment

4.9 The green belt designation was addressed in the 2001 appeal where the inspector found that there was not adequate evidence to rule that the site was not in the green belt. In the 2005 version of the Local Plan the site is in the green belt. Although the Local Plan has limited weight the Local Planning Authorities view is that the 2005 Green Belt boundaries must be those used for decision making purposes at this time. The National Planning Policy Framework states that the Government attaches great importance to Green Belts. The message within the document is that generally the Green Belt boundaries are already established and any alterations should only be made following review of the Local Plan. York is undertaking work to update the Local Plan. If there are any variations proposed to the green belt it would need to be addressed within that process and not on an ad-hoc basis.

York's Housing supply

4.10 The National Planning Policy Framework seeks to boost housing supply. It requires that Local Planning Authorities establish housing need and annually identify a deliverable 5-year supply.

4.11 York's most recent Annual Monitoring Report is as of October 2011. The AMR identifies a small deficit in supply in the short term (years 1 - 2 of the trajectory). However, overall the AMR demonstrates that York has sufficient evidence to support a five year supply of housing (years 2012/13 to 2016/17), with an over-supply of 949 homes over the timescale. This site was discounted as being suitable for housing in York's (SHLAA) Strategic Housing Land Availability Assessment due to it being within the Green Belt.

DESIGN AND VISUAL IMPACT OF THE PROPOSED DEVELOPMENT

4.12 A core planning principle of the National Planning Policy Framework is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Developments should:

- function well and add to the overall quality of the area;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- be visually attractive as a result of good architecture and appropriate landscaping.

4.13 The site is presently greenfield, the houses to the east represent the edge of the built up area. The existing houses along Westview Close exude openness due to layout, their low density and volume. The open character marks a gradual transition between the built up area and the countryside. The proposed site is defined by the trees on and adjacent the site, some of which have TPO (Trees Preservation Order) status.

4.14 The proposed development would be out of character and harmful to the setting as a) it would be incompatible with the trees on site and would inevitably lead to demand for the removal of vegetation, and this would be harmful to the setting and b) because of the proposed layout and the size/volume of the houses on site they would impose on the setting and be visually incompatible with the rest of the street.

4.15 The development would be incompatible with existing trees and hedges on site:-

- Units 3, 4 and 5 will be particularly affected by shade from the adjacent trees.
- Units 7 and 8 are too close adjacent trees
- The proximity of unit 9 to the existing hedge and site boundary is impractical.
- The gardens of units 10 and 11 are too short given the Birch and Ash in the rear gardens of the adjacent properties.

4.16 The development would have an urbanising effect, and would be inharmonious with the setting:-

- House 2 would have a 2-storey side elevation that would only be 14m from the front elevation of 1 Westview Close
- The lack of spaciousness and openness due to the clusters of houses and their volume (houses are typically 11m wide and continuously 2/2.5 storeys in height).
- House 9 would be 2-storey and only around 1m from the rear garden of 7 Villa Court.
- The side elevations to Houses 2 and 6 would be atypically close to the highway. This arrangement would be out of character with the area where houses are typically set back from, and front onto the street.

4.17 The development would have adequate natural surveillance of public areas. Security of private spaces (i.e. back gardens) could be secured through a planning condition relating to boundary treatment.

RESIDENTIAL AMENITY

4.18 The National Planning Policy Framework requires that developments secure a good standard of amenity for all existing and future occupants of land and buildings. This is amplified in Local Plan policy GP1, which requires that development does not have an undue impact on residential amenity, ensuring the undue over-looking and over-shadowing does not occur.

4.19 Given the existing open character of the area there would be a harmful impact on the existing levels of amenity presently enjoyed by surrounding residents. The proposed development would appear unduly overbearing due to the proximity of the 2-storey side elevation of house 2 to no.1 Westview Close and the proximity of the side elevation of house 9 to the garden of 7 Villa Court. There would be unsatisfactory levels of amenity for the future occupants of house 6 as the rear elevation would only be 12m from the side elevation of house 5. No details of storage space (for cycles and garden equipment) have been provided for houses 12 and 13. Such facilities could be provided outside but this would lead to a cramped environment and would put further pressure on the need to remove trees; not the high quality housing required by the National Planning Policy Framework. Houses 7, 10, 12 and 13 would be unduly close to trees which would restrict outlook. There would be demand to remove trees, which would be harmful to the setting.

HIGHWAY NETWORK MANAGEMENT

4.20 The 2001 application was not refused on highway safety grounds. Officers are content that the existing road can adequately accommodate the additional traffic that would be generated by the development and that visibility is adequate at the junction. The road is continuously at least 5m wide which is adequate for servicing and emergency vehicles.

AFFORDABLE HOUSING

4.21 The site is in the rural west area, outside the Acomb Ward boundary. In accordance with the Council's Affordable Housing Advice Interim targets an on-site provision of 25% (as 11-14 dwellings are proposed) is required, unless it is demonstrated by the applicants such provision would be unviable. The requirement is 3 units plus one off site financial contribution of £15,427.50. No affordable housing is proposed.

HOUSE TYPES PROPOSED AND DENSITY

4.22 A mix of 2, 3, 4 and 5 bed units are proposed. To better meet housing need, as defined in the North Yorkshire SHMA (2011), a higher percentage of 2 and 3 bed units would be preferred. The density of development proposed is 27 dwellings per hectare. The Local Plan seeks to achieve a density of 30 per hectare in rural housing and this may be achievable if fewer 4-bed sized houses were proposed. However in developing the site considerable weight must be given to national policy in the National Planning Policy Framework which states that density should reflect local/site circumstances. In this case the adjacent housing is of low density and development of the site would be required to respect the vegetation on site, in particular trees which are subject to preservation orders.

OPEN SPACE AND EDUCATION PROVISION

4.23 Local Plan policy L1c: Provision of Open Space in New Developments advises that when over 10 dwellings are proposed on site open space may be required subject to provision in the locality. In this case it is deemed that children's play space is necessary on site. A financial contribution would be adequate for other types of open space (based on the dwellings proposed this would equate to an off site contribution of £14,620). No on site open space is proposed, only a contribution towards off site provision. The lack of on site open space is on the basis that there is a sewer which runs along the west side of the site, which significantly reduces the amount of development possible on the site, and therefore there is no space for on site open space. However there is a second sewer that runs through the site and also trees which prevent development in certain areas, and within these spaces play space could be provided.

4.24 Local Plan policy ED4: Developer Contributions Towards Education Facilities advises that a contribution toward education will be required if there is inadequate capacity in schools in the catchment area. In this case no contribution is required.

SUSTAINABLE DESIGN AND CONSTRUCTION

4.25 Over 10 dwellings are proposed therefore the Sustainable Design and Construction Interim Planning Statement requires the dwellings meet code for sustainable homes level 3 and that at least 10% of energy demand is from low-

carbon technologies. There is no clear commitment from the applicants that the houses would meet such standards. However these requirements could be required through planning conditions.

SITE DRAINAGE AND FLOOD RISK

4.26 The NPPF advises that schemes should ensure flood risk is not increased elsewhere and that development is appropriately flood resilient. Soakaways, a sustainable means of drainage, is proposed. We are advised this was recommended by Yorkshire Water. A condition could be used to agree drainage. Soakaways would need to work, otherwise an alternative method that controlled surface water run-off would be required.

5.0 CONCLUSION

5.1 Refusal is recommended because:-

- The site is deemed to be in the green belt. The development proposed is inappropriate development within the green belt and there are no very special circumstances in this case.
- The site is outside the urban area and therefore on site affordable housing is required. No affordable housing is proposed and there is no justification for such.
- The development would not be of the quality required by the National Planning Policy Framework, it would not respect the local character and surroundings, there would be a detrimental effect to the local character and amenity value of the site due to the loss of trees, there is no on site play space and amenity levels would be inadequate; the development would be over-bearing / over-dominant over neighbouring residents, there would be inadequate outlook for future residents of some dwellings due to separation distances and the proximity of houses to trees and there is inadequate space for storage in houses 12 and 13.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The application site is within the Green Belt according to the 2005 Local Plan. The housing development proposed is inappropriate development in the Green Belt which, according to the National Planning Policy Framework, is by definition harmful and should not be approved. There are no very special circumstances in this case as the development would materially harm the openness of the Green Belt and as York has a 5-year housing supply of alternative sites to meet housing need.

2 The development would harm the quality of the area, contrary to paragraph 58 of the National Planning Policy Framework and Local Plan policy GP1: Design.

The proposed development would be out of character and harmful to the setting. It would be incompatible with the trees on site, some of which have TPO status. The development would inevitably lead to demand for the removal of vegetation, and this would be harmful to the setting. In addition because of the layout and the volume of the houses proposed the development would appear unduly imposing and would be incompatible with the urban grain and character of the locality.

3 The site is outside the urban area. According to Local Plan policy H2a and the Council's Affordable Housing Advice Interim targets an on-site provision of 25% affordable housing is required to meet demand for such housing within the city (as identified in the 2011 Strategic Housing Market Assessment). No affordable housing is proposed and no evidence has been supplied which indicates that the scheme would be unviable without on site affordable housing. The proposals are therefore contrary to the aforementioned local policy and paragraphs 47 and 50 of the National Planning Policy Framework.

4 No on site open space, for children's play space, is proposed. According to the Open Space, Sport and Recreation Study 2008 there is an inadequate supply of such open space within the locality. To provide no such play space on site would be contrary to Local Plan policy L1c and the requirements of the National Planning Policy Framework, in particular paragraph 73 which seeks to provide adequate access to open space, in the interests of the health and well-being of communities.

5 The proposed development would appear unduly overbearing due to the proximity of the 2-storey side elevation of house 2 to no.1 Westview Close and the proximity of the side elevation of house 9 to the garden of 7 Villa Court. There would be unsatisfactory levels of amenity for the future occupants of houses 6, 7, 10, 11 and 13 due to the proximity of rear elevations to surrounding buildings and trees. As such the development would fail to provide the high quality design and good standard of amenity required by the National Planning Policy Framework (paragraph 17).

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