

COMMITTEE REPORT

Committee: East Area
Date: 25 January 2007

Ward: Clifton
Parish: Clifton Planning Panel

Reference: 06/02648/OUT
Application at: Clifton Family Centre 107 Burton Green York YO30 6JZ
For: Outline application for erection of 8 no. dwellings (approval sought for access only)
By: Resources AMP
Application Type: Outline Application
Target Date: 29 January 2007

1.0 PROPOSAL

1.1 The application relates to an area of land (0.156 hectares) at the end of Burton Stone Lane (though its address is Burton Green). It is bounded by Bootham Stray to the north, Burton Green Primary School to the west and south, beyond which is two storey housing and blocks of flats to the east. The building has been demolished and site cleared since the application was submitted, but was last occupied by a two storey property with associated car parking and amenity space, used by CYC Clifton Family Learning Centre.

1.2 The application seeks outline permission for residential redevelopment, with access to the site applied for and all other matters reserved for subsequent approval. Vehicular and pedestrian access would be via a newly formed roadway from Burton Stone Lane. The form of development proposed is 8 no. two-storey dwellings grouped into four semi-detached pairs. The site plan shows an indicative layout with one semi-detached pair fronting onto Burton Stone Lane and the remaining houses located around the internal access road, one vehicle parking space per dwelling and two communal visitor spaces, private garden areas to serve each dwelling and a refuse collection area at the front of the site adjacent to the entrance.

1.3 A Planning Support Statement, Design and Access Statement and Ecological Survey Report have been submitted to accompany the application. A revised drawing (drg no. 201-001 rev.B) has been submitted at the request of Highway Network Management to show works necessary within the highway.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

Schools Burton Green Infant 0186

2.2 Policies:

CYGP1
Design

CYGP3
Planning against crime

CYGP4A
Sustainability

CYGP9
Landscaping

CYGP11
Accessibility

CYNE7
Habitat protection and creation

CYT4
Cycle parking standards

CYH3C
Mix of Dwellings on Housing Site

CYH4A
Housing Windfalls

CYH5A
Residential Density

CYL1C
Provision of New Open Space in Development

CYC3
Change of use of community facilities

CYSP10
Strategic Windfalls

CGP15A
Development and Flood Risk

3.0 CONSULTATIONS

3.1 Internal

i) Environmental Protection Unit - No objections. However site is in close proximity to residential properties. Therefore have concerns regarding nearby residents being adversely affected by noise during any demolition, construction or refurbishment works. The site is also in close proximity to a Primary School. Therefore have

further concerns of noise from the school affecting the amenity of the residents of the proposed houses. Conditions recommended to address concerns.

ii) Highway Network Management - [The current lawful use of the site is as a family centre] and as such is likely to generate a certain level of traffic throughout the day. Given the level of development being proposed it is likely that the traffic that will be generated by the proposal will be similar to the current [lawful] use of the site.

The application is outline and only seeking approval for means of access. Access is to be taken from the end of Burton Stone Lane. The existing public highway is to be modified (kerb realignment) to form a turning head which will be able to accommodate a refuse vehicle. The realignment of the carriageway will result in the creation of a small area of new public highway which will also serve as an access to the proposed dwellings. Such works will be carried out through an agreement under the 1980 Highways Act to the authorities standards. The works are likely to require the relocation of an existing lamp column, which will have to be carried out at the developers expense.

The site is located a short walk from bus stops served by frequent bus services and in the vicinity of the site pedestrian provision is generally good which will further reduce dependence on the private car.

As other issues relating to design/layout are reserved, officers are suggesting a number of conditions covering issues such as car and cycle parking and turning areas.

iii) Countryside Officer - The report indicates that whilst there was no evidence of bats being present, there were roost opportunities within the building that could be so used. As such the presence of bats cannot be confirmed. In such instances, it is necessary for a precautionary approach to be considered and consider that a condition should be included in any consent. The report already provides for these but details of what is proposed to be included, etc., needs to be confirmed. Roost features can be incorporated into any or all of the new buildings but it would be advantageous if at least one loft roost could be provided within the new development. Request condition.

iv) City Development - The site is not a recognised allocation on the City of York Local Plan Proposals Map (April 2004), but is adjacent to the Green Belt and Bootham Stray. The existing use of the site is a family learning centre that is being relocated to Clifton Green Junior High (as indicated in planning report). In conclusion, no policy objection is raised if the Development Control Officer is satisfied that the proposal satisfactorily demonstrates compliance with policies SP10, H4a, H5a, C3, T4, GP9 and GP11. Conditions of approval should also be applied to ensure reserved matters will satisfactorily address the following policies: H3c (Mix of Dwellings on Housing Sites); GP1 (Design); GP3 (Planning Against Crime); GP4a (Sustainability).

v) Education - request contribution of £31,062 in respect of 2 pupils at Canon Lee Secondary School.

3.2 External

Clifton Planning Panel - Do not object as long as there are no more parking spaces.

Yorkshire Water - No comments.

Burton Green Primary School - Adjoins the site. Many of previous concerns appear to have been addressed. The school is pleased to see plans for family housing. Hope that detailed plans in the future will ensure that the school playing area is not overlooked where possible.

4.0 APPRAISAL

4.1 The main considerations are:

- loss of community facilities/land;
- principle of redevelopment of site for residential;
- density and mix;
- design issues and impact on visual amenity of area;
- impact on natural environment;
- affect on amenity of surrounding occupants;
- access, parking and highway safety;
- drainage and flood risk;
- impact on existing local facilities.

4.2 In addition to the Draft Local Plan (DLP) policies set out in section 2.2, national advice contained in Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Statement 3: Housing, PPS9: Biodiversity and Geological Conservation and Planning Policy Guidance Note 13: Transport and in RSS12: Regional Spatial Strategy for Yorkshire and Humber are relevant.

4.3 Loss of community facilities/land

Policy C3 of the DLP states that planning permission will only be granted for the redevelopment of community facilities where the proposal is of a scale and design appropriate to the character and appearance of the locality, and where it can be demonstrated that the existing land or buildings are surplus to the existing or future needs of the local community and that alternative sites for the existing use can be provided.

The Planning Support Statement confirms that the existing use is no longer required in connection with the provision of community services and has been relocated to Clifton Green Junior School. It explains that this relocation was part of an approach, supported in 2002 by the Council's Family Centres Review Group, to streamline the service delivery within existing school sites in order to retain such provision in a more viable and sustainable manner. Following the decision to relocate the family centre, consultations were undertaken by the applicant with regards to reusing the site for a different community use, though no interest has been expressed to date by the Council's Asset Management Group or the Primary Health Care Trust and no other use has been identified. In addition, there is an existing community facility at Burton Stone Community Centre at Evelyn Crescent, off Crichton Avenue.

Therefore, it is considered that the proposal to redevelop the site complies with the latter two criteria of Policy C3.

4.4 Principle of residential redevelopment

PPS3, RSS12 and DLP Policy H4A (Housing Windfalls) encourage new housing development to be located on previously developed land. The latter policy states that planning permission will be granted where the site is within the urban area, has good accessibility, is of an appropriate scale and density and would not have a detrimental impact on existing landscape features. In addition, DLP Policy SP10 (Strategic Windfalls) states that reuse for housing will be a high priority on windfall sites below 0.2ha outside the City Centre.

The site would fall within the definition of 'previously developed land', is located in a predominantly residential area within the main urban area of the City and has good accessibility. Therefore, the principle of redevelopment of the site for residential purposes is acceptable in policy terms, subject to the scale and density of the proposed development being acceptable and no landscape features are adversely affected (as discussed below).

4.5 Density and mix

PPS3 and Policy H5a of the DLP encourage the efficient use of land in all new housing developments, whilst having regard to the character, quality and amenity of the area. Policy H5a states that new residential developments in the urban area, but outside the city centre, should aim for a density greater than 40 dwellings per hectare. As the application proposes eight houses on this 0.156 hectare site, the density of the development would be approx. 51 dwellings per hectare and would therefore exceed the minimum requirement.

PPS3 and DLP Policy H3c seek a mix of house types, sizes and tenures on all new residential development sites, in order to sustain mixed communities. PPS3 states that smaller sites should have regard to the proportion of households that require market or affordable housing and the existing mix of housing in the locality. There is no requirement for affordable housing provision within the scheme as the number of units and size of the site fall under the threshold set out in DLP Policy H2a. With regards to mix of house type and size, the application indicates that the site could accommodate eight two-bedroomed dwellings proposed in four semi-detached pairs. This would compliment the existing housing mix in the locality, though a wider mix of unit size could be provided.

4.6 Design issues and impact on visual amenity of area

PPS1 and PPS3 seek to secure an improvement in the quality of new housing development with sustainable and environmentally friendly new housing encouraged.

The application is in outline form with appearance, landscaping, layout and scale being reserved for later consideration. A Design and Access Statement and

indicative site plan have been submitted to support the application and inform the decision making process.

The site plan, drawing no. 201-001 rev.B, demonstrates that the eight houses can be accommodated on the site with an appropriate level of private amenity space and parking provision to serve each dwelling. The indicative layout is appropriate given the size and irregular shape of the site and the limited frontage to the road in which to accommodate a vehicular access. It indicates that the houses could be arranged to provide a presence in the streetscene with natural surveillance of activity on the road and the internal roadway. Adequate boundary treatment could be provided to secure private amenity space.

The site plan also shows two storey buildings being erected on the site, replacing the two storey building that previously occupied it. This is considered to be appropriate given that the houses would be viewed within the context of the two storey houses to the south and single storey school building to the west and against the backdrop of Bootham Stray, which is designated Green Belt. As a higher building would potentially harm the visual amenity of the area and in accordance with the requirements of the General Development Procedure Order 2006, it is recommended that a condition be attached to any approval restricting the upper height limit to that shown on the indicative drawing.

There are no significant landscape features within the site that would be adversely affected. The existing hedging on the northern and western boundaries of the site are shown on the indicative plan as being retained and improved by tree planting. This would help to soften the visual impact of the development from the north and form a long term edge appropriate to the open countryside character and Green Belt designation of Bootham Stray, in accordance with DLP Policy GP9 (Landscaping).

DLP Policy GP4a requires development to have regard to the principles of sustainable development. The site is in a sustainable location, within walking distance of services and facilities and to a regular bus service. An area is shown on the indicative plan adjacent to Burton Stone Lane, that could be used for refuse/recycling collection. No further information has been submitted regarding materials and renewable energy sources. As the site is to be sold on, a condition could be attached to require any future developer to give full consideration to sustainable design principles at detailed design stage.

4.7 Natural environment

An Ecological Survey Report has been submitted with a particular reference to the potential for bats at the site and occupying the building (which has now been demolished). This found no presence of bats, though identified roost opportunities that could have been used. Therefore, the Council's Countryside Officer has requested a condition be attached to any approval to require full details of measures for bat mitigation and conservation.

4.8 Affect on amenity of surrounding occupants

The site has an adjoining boundary with the primary school only and is separated from the surrounding residential housing by Burton Stone Lane to the east and the school access road to the south. As stated above, the submitted site plan indicates two storey buildings being erected, which would limit the impact on the amenity of the adjacent school and would further reduce any impact on that of the residents to the south.

The Council's Environmental Protection Unit has no objections subject to the imposition of conditions to address the potential effect on neighbouring residential properties, the future residents of the dwellings adjacent to the school boundary and potential site contamination.

4.9 Access, parking and highway safety

The site is located close to local facilities and public open space and within a short walk of a frequent bus service.

Access to the site is not a reserved matter and is proposed to be from Burton Stone Lane. The site plan has been revised at the request of the Highway Officer to show a turning head within the highway adjacent to the access, in order to accommodate a refuse vehicle.

It is likely that the traffic generated by the development proposed would be similar to the lawful use of the site for community uses.

The Highway Officer does not object to the proposal though requests conditions be attached to any approval to address the detailed design layout and method of works.

4.10 Drainage and flood risk

It is intended that surface water and foul sewerage will be disposed of to the main drain and sewers. Yorkshire Water are aware of this and have raised no objection.

The site is located in Flood Zone 1 and therefore there is no serious flood risk implications for this development nor it is likely that the proposal would add significantly to the flood risk of the surrounding area.

4.11 Impact on local facilities

The scheme would generate 1 foundation stage, 2 primary and 2 secondary school pupils. There is capacity in local facilities to cater for the foundation and primary school pupils, but a financial contribution of £31,062 is required for the secondary school places.

Policy L1c of the DLP requires new housing developments to make provision for the open space needs of future occupiers and allows this to be addressed through a commuted sum payment towards off site provision for sites of less than 10 dwellings. The details of this have not been resolved and so will be reported to Members at the Committee meeting.

5.0 CONCLUSION

5.1 The proposed development of this previously developed site, located within the main urban area of the City and in a sustainable location, is considered to be acceptable in principle. It is therefore recommended that this outline planning application is approved subject to the imposition of conditions, as set out below.

6.0 RECOMMENDATION: Approve

- 1 OUT1 Approval of Reserved Matters
- 2 Fully detailed drawings illustrating all of the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works, and the development shall be carried out in accordance with such details:

Details to be submitted: appearance, landscaping, layout and scale, including a schedule of all external materials to be used.

The reserved matters application(s) shall comply with the Design and Access Statement submitted on 4 December 2006 as part of the application submission.

Reason: In order that the Local Planning Authority may be satisfied with the details of the development and to comply with the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006 regarding finished appearance of the development.

- 3 The reserved matters application(s) shall be accompanied by a statement to demonstrate that sustainable design principles have been fully taken into account in the detailed design of the scheme. This shall include details of materials to be used and consideration of the use of sustainable drainage systems and renewable energy sources.

Reason: To achieve a sustainable and environmentally friendly development in accordance with Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Statement 3: Housing and Policy GP4a of the City of York Draft Local Plan.

- 4 Prior to the development commencing details of the car and cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until these parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of vehicles/cycles.

Reason: In the interest of highway safety and to promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

5 HWAY31 No mud on highway during construction

6 The development hereby approved shall not be occupied until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same:

formation of turning head and highway alterations as indicatively shown on drawing no. 201-001 re.B;

Reason: In the interests of the safe and free passage of highway users.

7 HWAY40 Dilapidation survey

8 The development shall not be occupied until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the kerb/verge/footway to match adjacent levels.

Reason: In the interests of good management of the highway and road safety.

9 Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of construction works shall be submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the approved statement.

Reason: In the interests of highway safety.

10 The hours of construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays.

Reason: To protect the amenities of adjacent residents.

11 Any suspect contaminated materials detected during site works shall be reported to the Local Planning Authority. Any remediation for this contamination shall be agreed in writing with the Local Planning Authority and fully implemented prior to any further development of the site.

Reason: To protect human health and the wider environment.

12 Any building envelope with a facade onto the Primary School, shall be constructed so as to provide sound attenuation against external noise of not less than 36 dB(A), with windows shut and other means of ventilation

provided. The detailed scheme shall be approved by the Local Planning Authority and fully implemented before the building is occupied.

Reason: To protect the amenity of future residents.

- 13 No development shall commence unless and until a scheme to ensure the provision of adequate additional 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.

- 14 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.

- 15 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 8 (eight) metres, as measured from existing ground level. 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 or amenity of surrounding occupants.

- 16 No development shall take place until full details of what measures for bat mitigation and conservation are proposed and have been submitted to and approved by the Council. The measures should include:
- i) Details of what provision is to be made within the new building to replace the features lost through demolition of the original structure. Features suitable for incorporation for bats include the use of special tiles, bricks, soffit boards, bat lofts and bat boxes.
 - ii) The timing of all operations.

The works shall be implemented in accordance with the approved details and timing unless otherwise approved in writing by the Council.

Reason: To take account of and enhance habitat for a protected species in accordance with Planning Policy Statement 9, which requires mitigation to provide a net gain in wildlife value.

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 redevelopment of community facilities for residential purposes, housing density and mix, design issues and impact on visual amenity of area, impact on natural environment, affect on amenity of surrounding and future occupants, access, parking and highway safety, drainage and flooding, and impact on existing facilities. As such, the proposal complies with Planning Policy Statement 1: delivering Sustainable Development, Planning Policy Statement 3: Housing, Planning Policy Statement 9: Biodiversity and Geological Conservation and Planning Policy Guidance Note 13: Transport, Regional Spatial Strategy for Yorkshire and Humber (RSS12) and Policies SP10, GP1, GP3, GP4A, GP9, GP11, GP15a, NE7, T4, H3c, H4a, H5a, L1c and C3 of the City of York Draft Local Plan (incorporating fourth 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:

Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

Works in the highway - Section 38/278 - Michael Kitchen (01904) 551336

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. 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 £31,062. 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 discharged and you are reminded of the Local Planning Authority's enforcement powers in this regard.

5. 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 £XXXX.

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.

Contact details:

Author: Hannah Blackburn Development Control Officer

Tel No: 01904 551477