

## COMMITTEE REPORT

**Committee:** East Area  
**Date:** 9 November 2006  
**Ward:** Haxby And Wigginton  
**Parish:** Haxby Town Council

**Reference:** 06/01825/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:** 13 October 2006

### 1.0 PROPOSAL

1.1 The 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 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 additional drainage information was provided.

### PLANNING HISTORY

1.4 Application ref. 04/01810/FUL for 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 Withdrawn following concerns it would landlock the southern part of the site.

1.5 Application ref. 06/00583/FUL for erection of five dwellings to rear of 37 Towthorpe Road was refused for the following reason:

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).

1.6 This application ref. 06/01825/FUL is a revision to the above application scheme and includes further provision for the collection and attenuation of surface water drainage.

## **2.0 POLICY CONTEXT**

2.1 Draft Local Plan Allocation:

No allocation.

2.2 Policies:

SP6 - Location strategy

H4A - Housing Windfalls

H5A - Residential Density

GP1 - Design

GP4A - Sustainability

GP10 - Subdivision of gardens and infill development

GP15 - Protection from flooding

NE1 - Trees, woodlands, hedgerows

T4 - Cycle parking standards

L1C - Provision of New Open Space in Development

ED4 - Developer contributions towards Educational facilities

## **3.0 CONSULTATIONS**

INTERNAL

3.1 STRUCTURES AND DRAINAGE: The current Planning Application appears to address the points of objection [to the previous application] particularly the problems of existing waterlogging on the site. There are no further objections.

3.2 HIGHWAYS NETWORK MANAGEMENT: The junction of New Forge Court and Towthorpe Road is suitable to deal with the small increase in traffic movements which would be associated with this development and visibility is within recommended guidelines. From experience of other sites around the city this development is likely to generate around three vehicle trips in the peak hours, this is unlikely to have a material effect on the local highway network. Car parking, cycle storage and on-site turning are provided for each dwelling in line with CYC standards. Five conditions and two informatives are recommended.[conditions attached as numbers 5 to 9], informatives attached as numbers 2 and 3].

3.3 ENVIRONMENTAL PROTECTION UNIT: No objections to this application. However the site is in close proximity to residential properties. We therefore have concerns regarding nearby residents being adversely affected by noise during any

demolition, construction or refurbishment works. There is also concern regarding possible contamination being found during any construction works. Therefore, the following conditions are recommended: [suggested conditions attached as numbers 10 and 11 and informative as number 4].

**3.4 UDC ARCHAEOLOGY:** This site lies outside the AAI. It lies on the fringe of the developed footprint of Haxby on higher ground overlooking the River Foss. There is an extensive spread of late prehistoric and Romano-British features and deposits around York. It is possible that this site contains archaeological features and deposits which relate to this wider landscape. It will be necessary therefore to have an archaeological watching brief on all groundworks for this development in order to monitor for the presence or absence of deposits and, where present, record them. Please place condition ARCH2 on any consent which is granted [attached as condition 12].

**3.5 UDC LANDSCAPE ARCHITECT:** More trees retained, 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 at this stage. 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.

**3.6 LIFELONG LEARNING AND CULTURE:** As there is no on-site open space commuted sums should be paid to the Council for

a) amenity open space - which would be used to improve a local site within the Town Council area e.g. Ethel Ward Playing Fields or West Nooks

b) play space - which would be used to improve the local site within the Town Council area e.g. Ethel Ward Playing Fields

c) sports pitches - which would be used to improve access to local facilities within the North Zone of the Sport and Active Leisure Strategy.

The contribution to off site provision is to be based on "Harrogate" or latest York formula through a Section 106 Agreement.

**3.7 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.

## EXTERNAL

### 3.8 YORKSHIRE WATER:

**Surface Water:** The local public surface water sewer does not have capacity to accept an unrestricted discharge of surface water from the site. Surface water may

discharge into the public surface water sewer in New Forge Court, however, on-site storage/balancing - or some other means of attenuation - of the surface water will be required before any discharge to the public sewer network is permitted. The surface water discharge from the proposal to the public sewer network should be restricted so as to not exceed 2 (two) litres per second.

Water Supply: A water supply can be provided.

Waste Water: Foul water domestic waste can discharge to a public sewer recorded in New Forge Court. If planning permission is granted the following three conditions should be attached to any consent [suggested conditions attached as condition 13 to 15].

3.9 FOSS INTERNAL DRAINAGE BOARD: Further to confirmation by the applicant that the surface water is proposed to drain into Windmill Way Culverts the Board commented as follows: The information contained within the consultation appears to meet the Boards requirements that the drainage into Windmill Way culverts is no greater than existing. The Board Requires that any approval granted to the proposed development includes the following formal conditions [the requirements of the suggested conditions are covered by conditions 19 to 21].

3.10 ENVIRONMENT AGENCY: No comments received.

3.11 HAXBY TOWN COUNCIL: Strongly object. Surface water and land drainage are still of concern. Haxby Town Council is sceptical about the revised drainage plans in view of the problems recently built off Old Coppice to the rear of 33 Towthorpe Road.

3.12 PUBLICITY: The application has been advertised by neighbour letter to which 10 individual responses and a petition of 9 signatures have been received making the following points;

- inconvenience from construction traffic.
- who will ensure that the pumping system is maintained?
- conditions on land levels and replacement tree planting must be adhered to
- waterlogging.
- the site is waterlogged in winter.
- this application will solve an ongoing problem with standing water.
- continued infill development is changing the character of this area.
- loss of light.
- permission will lead to pressure for removal of more trees.
- loss of privacy.
- loss of environmental capital.
- raising levels will cause flooding of our land.

## **4.0 APPRAISAL**

4.1 This application is a revised scheme to application ref. 06/01825/FUL. The layout and design of buildings and open spaces is very similar. This revised scheme incorporates revised drainage proposals which are discussed in section 4.16. The

previous application was refused for one reason, inadequate drainage, and in the absence of any material alteration to policy or circumstances the key issue is considered to be the adequacy of surface water drainage proposals.

4.2 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.

4.3 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 asses this issue.

#### PRINCIPLE OF DEVELOPMENT

4.4 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.

4.5 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. This can be secured by suggested condition 22 and informative 6.

4.6 The development of five dwellings is below the threshold of 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. This can be secured by suggested condition 4 and informative 5.

#### OPENSOURCE AND TREES

4.7 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.

4.8 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. 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 be reasonable for details to be provided 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.

4.9 The layout of the development would effectively be as an extension of New Forge Court, with properties sited on 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 also be in keeping with the location.

4.10 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.

## TRANSPORT

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. 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 0.6m 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 sloping 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 submitted plans shows a storage tank to be provided under the driveway of 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.

4.17 The view of the Foss Internal Drainage Board [see section 3.9] and CYC Drainage Engineers [see section 3.1] is that the surface water drainage arrangements brought forward on this application are satisfactory and would not result in increased drainage problems on adjacent sites.

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 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 this application being approved.

## 5.0 CONCLUSION

5.1 It is considered that the proposed development, subject to the conditions listed below, would not cause undue harm to interests of acknowledged importance, with particular reference to surface water drainage, residential amenity or highway safety. As such the proposal complies with Policies GP1, H4, GP10, GP15, NE1, L1 and ED4 of the City of York Local Plan Deposit Draft and the aims of PPS1, PPG3, PPG13 and PPG25. This application is therefore recommended for approval.

## 6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-

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Drawing LD/01/07 received 14 August 2006  
Drawing LD/01/05 received 14 August 2006  
Drawing LD/01/02A received 14 August 2006  
Drawing LD/01/09B received 14 August 2006  
Drawing LD/01/11 received 14 August 2006  
Drawing LD/01/10 received 14 August 2006  
Drawing MIT/LM/03 received 18 September 2006  
Drawing FARN/06/RM/03 received 18 September 2006  
Drawing LD/01/01E received 5 October 2006

or any plans or details subsequently agreed in writing by the Local Planning Authority as an 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.

or any plans or details subsequently agreed in writing by the Local Planning Authority as an 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 Samples of exterior materials to be app
- 4 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.

- 5 HWAY12 Initial 10m surfaced, details reqd
- 6 HWAY19 Car and cycle parking laid out
- 7 HWAY19 Car and cycle parking laid out
- 8 HWAY40 Dilapidation survey
- 9 Method of works - prior to the commencement of any works a detailed method of works statement shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include the precautions to be taken to ensure the safety of the general public, method of securing the site access to the site and the route to be taken by vehicles transporting the demolition and construction materials and the hours during which this will be permitted.

Reason. To ensure that the are carried out in a safe manner and with minimum disruption to users of the adjacent highway.

- 10 NOISE7 Restricted hours of construction
- 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 with the local planning authority and fully implemented prior to any further development of the site.

Reason: As our in-house research has shown no obvious potential source of contamination at the site, the watching brief is recommended.

- 12 ARCH2 Watching brief required
- 13 The site shall be developed with separate systems of drainage for foul and surface water on and off the site.

Reason: In the interests of satisfactory and sustainable drainage.

- 14 No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing and off site works, have been submitted and approved by the local planning authority.

Reason: To ensure that the development can be properly drained.

- 15 Unless otherwise approved 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 prior to the completion of the approved surface water drainage works.

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

- 16 LAND1 IN New Landscape details

- 17 LAND2 Retention of trees shown on plans

- 18 LAND4 IN No trenches near tree trunks

- 19 The discharge of surface water to Windmill Way Culvert shall not exceed a rate of 2 litres per second.

REASON: To ensure that the development can be properly drained and to ensure protection of the local water environment.

- 20 DRAINAGE ROUTES

All drainage routes through the Site shall be maintained both during the works on Site and after completion of the works.

Provisions shall be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the Site are not adversely affected by the development.

Drainage routes shall include all methods by which water may be transferred through the Site and shall include such systems as ¿ridge and furrow¿ and ¿overland flows¿. The affect of raising Site levels on adjacent property must be carefully considered and appropriate measures taken to negate influences.

Reason: To protect the proper drainage of the area.

- 21 6 METRE CLEAR OF CULVERT

No development, including building, filling, tree planting, or any other permanent obstruction, shall be located over, or within 6 metres measured from either outside edge of the pipe forming a culverted watercourse.

REASON : To ensure that access to the culvert is available for maintenance and prevent damage to the culvert.

- 22 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:

### 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 surface water drainage, residential amenity or highway safety. As such the proposal complies with Policies GP1, H4, GP10, GP15, NE1, L1 and ED4 of the City of York Local Plan Deposit Draft and the aims of PPS1, PPG3, PPG13 and PPG25.

- 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 INFORMATIVE: Demolition and Construction. The developer's attention should also be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to

ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval:

1. The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".
  2. All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.
  3. The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.
  4. All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.
  5. There shall be no bonfires on the site.
- 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 £8,804.00.

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.

- 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 £8,804.00.

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:**

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**Tel No:** 01904 55135