

COMMITTEE REPORT

Date: 13 October 2011 **Ward:** Haxby And Wigginton
Team: Major and **Parish:** Wigginton Parish Council
Commercial Team

Reference: 11/01969/REM
Application at: 22 Mill Lane Wigginton York YO32 2PX
For: Application for approval of reserved matters following approval of 10/00750/OUT for the erection of 9no dwellings with associated access and parking
By: Daniel Gath Homes Ltd
Application Type: Approval of Reserved Matters
Target Date: 13 September 2011
Recommendation: Approve

1.0 PROPOSAL

1.1 This is a reserved matters application pursuant to an outline planning permission for the erection of nine houses granted in July 2010 (10/00750/OUT). All matters were reserved except access which is via a private drive from Mill Lane. The current application seeks consent for all the reserved matters, i.e. scale, layout, appearance and landscaping. The proposal comprises four detached houses (3 x 4-bedroom and 1 x 5-bedroom), a pair of 3-bedroom semi-detached houses and a terrace of three 3-bedroom houses. All the houses would have two storeys. The pair of semi-detached houses would face Mill Lane. The remaining seven houses would face the private drive. All dwellings would have off-street parking, cycle storage and refuse/recycling facilities.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

2.2 Policies:

CYGP1
Design

CYGP4A
Sustainability

CGP15A
Development and Flood Risk

CYNE1
Trees, woodlands, hedgerows

CYL1C
Provision of New Open Space in Development

3.0 CONSULTATIONS

3.1 INTERNAL

Environment, Conservation, Sustainable Development (Landscape) - The level of detail is insufficient to approve the application, especially as it is a reserved matters application. More information is needed about: tree protection during construction; landscaping proposals; landscape management post-construction; boundary treatment; and conflicts with drainage proposals.

Highway Network Management - No objections. Standard highway conditions should be attached [Officers' response - The conditions sought were attached to the outline permission and do not need to be duplicated at this reserved matters stage].

Structures and Drainage - Insufficient information has been provided by the developer to determine the potential impact on the existing drainage systems. An appropriate assessment should be carried out under BRE Digest 365 (a percolation test) to demonstrate that the ground has sufficient capacity to accept surface water discharge from the proposed permeable paving and to prevent flooding of the surrounding land and the paving itself. The test should be witnessed by the council's drainage officers. If such capacity is not demonstrated an alternative method of dealing with surface water would need to be found.

Environment, Conservation, Sustainable Development (Countryside) - No objections. Further information on bat mitigation will be needed in order to discharge condition 16 of the outline consent.

Environmental Protection Unit - No objections.

3.2 EXTERNAL

Wigginton Parish Council - No objection but wish to make the following comments: The application appears to be overdevelopment. The number of houses is excessive given the number of parking spaces, which are insufficient and will lead to on-street parking, particularly on Mill Lane. Assurance is sought that the access road will be adopted. Adequate street lighting is not shown.

Public Consultation - The consultation period expired on 18 August 2011. Four objections have been received raising the following planning issues:

- The pitch of the garage to unit 4 should be reduced as much as possible to reduce its visual impact.
- Concern that habitable rooms could be built in the roof spaces.
- Concern about future surface water drainage problems.
- Noise nuisance from vehicles.
- Removal of the 3m-high conifers along the northern boundary would reduce privacy and security.
- The fence along the eastern boundary should be restored/repaired.
- Loss of light.
- Loss of privacy.
- Increase in traffic.
- Highway safety.
- Impact on trees and hedges.
- Loss of bat habitat.
- Impact on local amenities, e.g. school.

One letter of support has been received from a local resident: The application is an appropriate detailed proposal for the site.

4.0 APPRAISAL

PLANNING POLICY CONTEXT

4.1 Draft Local Plan Policy GP1 - Development proposals should be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and local character; respect or enhance the local environment; provide/protect amenity space; protect residential amenity; accord with sustainable design principles; include refuse facilities; and include, where appropriate, landscaping.

4.2 GP4a - All proposals should have regard to the principles of sustainable development.

4.3 NE1- Trees, woodlands and hedgerows, which are of landscape, amenity, nature conservation, or historic value will be protected by: refusing proposals which will result in their loss or damage. When trees are to be removed, appropriate replacement planting should be proposed to mitigate any loss.

4.4 GP15a - Discharges from new development should not exceed the capacity of existing and proposed receiving sewers and watercourses and long-term run-off from development sites should always be less than the level of pre-development rainfall run-off.

KEY ISSUES

Design and Street Scene
Neighbour Amenity
Access and Highway Safety
Trees and Landscaping
Flood Risk and Drainage
Bio-Diversity
Sustainability
Public Open Space

APPLICATION SITE

4.5 Part of the site is occupied by a group of single-storey buildings comprising a former slaughterhouse/butchery which was abandoned in the 1980s. More recently, some of the buildings were occupied by an unauthorised retail shop. The buildings are now vacant. The remainder of the site is open grassland. It is bounded to the north, east and west by the rear gardens of 2-storey estate houses. To the south is Mill Lane, which is accessed via a private drive. The highway verge has a line of council-owned mature Beech trees that are protected by a tree preservation order (TPO). One of the trees has died and was recently felled. One of the other trees is in poor condition and is being monitored by the council's arboricultural officers. If its condition continues to deteriorate it may also have to be removed.

DESIGN AND STREET SCENE

4.6 The proposed houses would all have a traditional suburban design. Ridge heights would be between 8m to 8.5m and eaves height would be 5.2m. These heights are typical of 2-storey houses and are in keeping with the scale and appearance of the surrounding area. Units 8 and 9 would face Wigginton Road and not into the site, which was a concern at the outline stage. The other seven houses would face the private drive. The development respects the scale, density, pattern and grain of the surrounding area.

NEIGHBOUR AMENITY

4.7 The rear elevations of most of the houses would face the rear elevations of existing houses in adjacent streets. Adequate separation distances would be achieved and impact on the neighbouring occupiers has been minimised by restricting the building heights and careful arrangement of buildings, habitable rooms and windows. The gable end of the garage to unit 4 would be 5.1m to the ridge. This is acceptable bearing in mind that the distance the nearest part of the adjacent house would be 8m. Nuisance from traffic noise is unlikely to be significant. The impact on local amenities was considered at the outline stage.

ACCESS AND HIGHWAY SAFETY

4.8 The access into the development would remain unadopted and would be privately maintained and repaired. This was accepted and approved at the outline stage. The applicant has given a unilateral undertaking to this effect. Traffic levels generated by the development would be insignificant. The council's highways officers have no objection to the highway aspects of the development including driveway widths, turning space and parking provision.

TREES AND LANDSCAPING

4.9 The three remaining Beech trees along the Mill Lane frontage are old mature specimens that would not readily recover from root damage and would be susceptible to stress and disease from a change in conditions or any damage. Essentially the whole of this frontage is a root protection area so there should be as little intervention as possible. This is why the access is not being built to adoptable standards. The applicant is required (by condition 15 of the outline consent) to provide a method statement showing how the Beech trees would be protected during construction. The method statement submitted to date is unsatisfactory, and further details are awaited. Condition 15 requires the details to be approved prior to start of construction. Therefore the construction methods to be employed need not be settled prior to the current (reserved matters) application being determined. Nevertheless, officers will update members at the committee meeting.

4.10 Whilst some landscaping details of the scheme have been submitted for approval they are not yet acceptable. Revised plans are awaited, particularly relating to boundary treatment and tree planting. As landscaping is a reserved matter satisfactory details will need to be submitted prior to the application being determined. Members will be updated at the meeting.

FLOOD RISK AND DRAINAGE

4.11 The area is known to suffer from localised flooding and many residents are concerned about inadequate drainage. At the outline stage the applicant intended

to attenuate surface water by providing underground storage within the site, releasing the stored water at a controlled rate by means of a hydrobrake. The council's drainage officers were satisfied with this arrangement subject to full details being submitted and approved prior to construction. This was made a condition of the outline consent (condition 4). Now, instead of providing underground storage within the site, the applicant is proposing to install soakaways. To demonstrate that the ground is suitable for soakaways an appropriate assessment should be carried out under BRE Digest 365 (a percolation test) to demonstrate that the ground has sufficient capacity to accept surface water discharge from the development. The test should be witnessed by officers of the council's Flood Risk Management Team. If such capacity were not demonstrated an alternative method of dealing with surface water would need to be found. The applicant has carried out a percolation test but it was without the knowledge of the council's drainage officers. Officers are now seeking confirmation from the applicant that the test was carried out properly and that the proposed soakaways would be suitable. Condition 4 of the outline consent requires drainage details to be submitted and approved prior to the commencement of construction. Therefore the method to be employed need not be settled prior to the current (reserved matters) application being determined. Nevertheless, officers will update members at the committee meeting.

BIO-DIVERSITY

4.12 The site currently houses a cluster of old (but not protected) farm outbuildings, garages and storage sheds, all of which are to be demolished as part of this scheme. In 2010 the outbuildings were inspected for evidence of bats and to assess their potential for supporting a roost. The outbuildings have a low potential for supporting roosting bats, and no evidence of any recent use has been seen. Nevertheless, as there is suitable foraging habitat close by a condition was attached (condition 16) to ensure that provision is made within the new dwellings to accommodate bats and to help increase the overall wildlife value of this area. In response to this condition a bat accommodation statement has been submitted as part of this reserved matters application, and provides information on the proposed habitat features (e.g. bat boxes and bat bricks) that could be built into the new dwellings. In order to discharge condition 16 the council will need further information as to the type of habitat feature proposed, along with their intended locations within the proposed development.

SUSTAINABILITY

4.13 The outline consent includes conditions requiring construction to be to Code for Sustainable Homes level 3 and for 10% of energy to be generated from renewable sources. The applicant is proposing to install solar panels, which would be acceptable subject to the required 10% being achieved.

PUBLIC OPEN SPACE

4.14 An open space contribution is required for the provision of public open space in accordance with Policy L1 of the Draft Local Plan. This has been accepted by the applicant who has provided a unilateral undertaking to this effect.

5.0 CONCLUSION

5.1 The proposals accord with the outline consent, including the illustrative layout submitted at that stage. The proposal is considered to be acceptable in terms of the character of the area and the impact on neighbouring occupiers. The access has already been approved and the highway details are acceptable. Further details are awaited regarding landscaping, tree protection and drainage. Members will be updated on these matters at the meeting.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 The development hereby permitted shall be carried out only in accordance with the approved plans numbered 11:12:02/G, 11:12:03, 11:12:04/C and 11:12:05/C.

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

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

The proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to:

Impact on Protected Trees

Access and Highway Safety

Design and Street Scene

Neighbour Amenity

Flood Risk and Drainage

Bio-Diversity

Sustainability

Public Open Space

As such the proposal complies with policies GP1, GP4a, GP15a, NE1 and L1c of the City of York Local Plan Deposit Draft.

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