

COMMITTEE REPORT

Date: 4 February 2016 **Ward:** Heworth Without
Team: Major and **Parish:** Heworth Planning Panel
Commercial Team

Reference: 15/02624/FUL
Application at: 206 Stockton Lane York YO31 1EY
For: Erection of 4no. dwellings with access from Caedmon Close together with reconfiguration of existing dwelling at 8 Caedmon Close (resubmission)
By: Mr David Todd
Application Type: Full Application
Target Date: 5 February 2015
Recommendation: Approve

1.0 PROPOSAL

1.1 No.206 Stockton Lane comprises a substantial brick built detached house with a large rear garden to the east of the City Centre. Planning permission is sought for the erection of four properties in a mix of 1 1/2 and two storey forms on land to the rear and accessed from adjacent to 8 Caedmon Close. The application represents a revised re-submission of an earlier proposal ref:-15/00327/FUL that was previously refused on the ground of adverse impact upon a tree of significant townscape importance in a neighbouring garden protected by tree preservation order. The alignment of the proposed access drive has subsequently been re-aligned so as to lessen impact upon its root protection zone.

1.2 The application has been called in for determination by the Sub-Committee at the request of Councillor Ayre because of issues of land ownership and the need to access the site across amenity land.

2.0 POLICY CONTEXT

2.1 Policies:

CGP15A Development and Flood Risk
CYGP10 Subdivision of gardens and infill devt
CYGP1 Design
CYGP9 Landscaping
CYNE1 Trees, woodlands, hedgerows
CYH4A Housing Windfalls

3.0 CONSULTATIONS

INTERNAL

Public Protection

3.1 No objection to the proposal subject to any permission being conditioned to restrict proposed hours of construction for the development and to deal with the eventuality of unexpected contamination being found on the site.

Planning and Environmental Management (Archaeology, Landscape and Ecology)

3.2 No objection to the proposal in principle subject to any permission being conditioned to secure compensatory enhancement of local biodiversity allowing for the loss of potential habitat for hedgehogs and to secure an archaeological watching brief in view of the potential of the site to accommodate undisturbed Roman archaeology. In terms of the protected tree in the neighbouring garden some concern is expressed in relation to the impact of the proposal upon the availability of ground water to the tree and its relationship to service runs however it is felt that subject to any permission being strictly conditioned to secure the use of appropriate materials and the location of service runs then the development is on balance acceptable.

Flood Risk Management Team

3.3 No objection to the proposal.

Highway Network Management

3.4 No response at the time of writing.

EXTERNAL

Yorkshire Water Services Limited

3.5 No objection to the proposal.

The Foss (2008) Internal Drainage Board

3.6 Express concern with regard to the effectiveness of the proposed means of surface water drainage attenuation. The application has subsequently been amended to resolve the issue of concern.

Heworth (Without) Parish Council

3.7 Object to the proposal on the grounds that it would result in an unacceptably dense pattern of development and the revised access form would not allow for adequate access to the site by emergency vehicles but would at the same time give rise to problems of inconsiderate parking and congestion at the junction with Caedmon Close.

Heworth Planning Panel

3.8 No objection to the proposal.

Neighbour Notification and Publicity

3.9 12 Letters of objection have been received in respect of the proposal. The following is a summary of their contents:-

- Concern in respect of the scale and density of the proposed development;
- Concern in respect of the poor access design and layout for the proposal;
- Concern in respect of the impact of the proposal upon the residential amenity of neighbouring properties;
- Concern in respect of the relationship of the proposal to the neighbouring pattern of development;
- Concern in respect of the impact of the proposal upon the local pattern of surface water drainage;
- Concern in respect of the impact of the proposal upon local habitat and biodiversity.
- Concern in respect of the impact of the proposal upon the amenities of the occupants of 8 Caedmon Close;
- Concern in respect of the impact of the proposal upon a tree of townscape importance protected by Preservation Order in the grounds of the adjacent property;
- Concern in respect of the lack of provision for affordable housing;
- Concern in respect of the lack of support for local services and facilities.

4.0 APPRAISAL

4.1 KEY CONSIDERATIONS INCLUDE:-

- Scale and Design of the Proposal;
- Impact upon the Residential Amenity of Neighbouring Properties;
- Design and Layout of the Proposed Access Arrangements;
- Impact upon a Tree of Significant Townscape Value;
- Impact upon the Local Pattern of Surface Water Drainage;
- Impact upon Local Habitat and Biodiversity.

STATUS OF THE YORK DEVELOPMENT CONTROL LOCAL PLAN

4.2 The York Development Control Local Plan was adopted for Development Control purposes in April 2005; its policies remain material considerations in respect of Development Management decisions although any weight is limited except where in accordance with the National Planning Policy Framework.

SCALE AND DESIGN OF THE PROPOSAL

4.3 Central Government Planning Policy as outlined in paragraph 14 of the National Planning Policy Framework indicates that there should be a presumption in favour of sustainable economic development running as a golden thread through the decision making process. Paragraph 9 previously indicates that sustainable development includes replacing poor design with better design, improving the conditions in which people live and widening the choice of high quality homes. Specifically in respect of residential development paragraph 49 indicates that planning applications should be considered strictly in accordance with the presumption in favour of sustainable development. Policy H4a) of the York Development Control Local Plan indicates a presumption in favour of residential development on land not previously allocated where the site is in the urban area, it is vacant, derelict or underused and it is of an appropriate scale and density to the surrounding development. Policy GP10 states that planning permission will only be granted for the sub-division of existing garden areas where this would not be detrimental to the character and amenity of the local environment.

4.4 The site lies within an enclave of previously undeveloped land between Whitby Avenue, Whitby Drive and Stockton Lane. The land directly to the west which formerly incorporated a detached bungalow has recently been redeveloped to incorporate a mix of five two storey dwelling houses and bungalows. An unimplemented permission for two bungalows exists in respect of the land directly to the west to the rear of 200 Stockton Lane. The proposed development would follow a similar pattern albeit access from Caedmon Close to the rear with the eastern elevation of 8 Caedmon Close reconfigured to allow for the passage of the access drive close by. The site is surrounded by residential development and is situated in an area wholly residential in character. As such the principle of the development is felt to be acceptable.

4.5 The area directly to the north along Stockton Lane comprises substantial detached and semi-detached properties dating to the inter-war years set within large gardens. As such the density of development is comparatively low. However, the residential development to the west and south which is of more recent construction and a mix of both bungalows and two storey accommodation is set at a much higher density. Whilst it is felt that three properties would sit more appropriately within the site it is not felt that the proposal would be sufficiently harmful to the local pattern of development as to warrant refusal of permission in itself. The proposal envisages the erection of three two storey dwellings and one dwelling with first floor accommodation provided within its roof. Objections have been received in relation to how the development would relate to the development to the south and south west which consists predominantly of bungalows and the possibility of a precedent for other similar developments within the surrounding back land. However, whilst the development is accessed from Caedmon Close which contains a mix of bungalows and two storey properties it is more clearly related in visual terms to the area to the

north and north east which is characterised by two storey properties. The scale of the development is therefore felt to be acceptable and local pattern of development would once again not be materially harmed.

4.6 The character of the area is largely suburban in nature and whilst quite dense in terms of its layout, the design of the proposed dwellings follows the existing pattern. Subject to the choice of an appropriate palette of materials which can be conditioned as part of any planning permission the design and external appearance of the development is felt to be acceptable.

IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES

4.7 Central Government Planning Policy as outlined in paragraph 17 of the National Planning Policy Framework "Core Planning Principles" indicates that Local Planning Authorities should give significant weight to the provision and safeguarding of a good standard of amenity for all new and existing occupants of land and buildings. Policy GP1 of the York Development Control Local Plan sets out a firm policy presumption in favour of new development which ensures that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by over-bearing structures.

4.8 Objections have been received in terms of the relationship between the access road to the development and the principal living areas of the retained bungalow at 8 Caedmon Close and also the adjacent property directly to the east at 7 Caedmon Close. The bungalow at 8 Caedmon Close presently has a number of windows in the eastern elevation abutting the proposed access road at close proximity which clearly would not be acceptable in amenity terms. The proposal envisages a significant reconfiguration of the eastern elevation removing the existing window lighting a living room at the southern edge of the property so that it is effectively realigned with more of a southerly aspect. The existing toilet/utility room windows would be obscure glazed and made non-opening and the existing secondary kitchen window would again be obscure glazed and made non-opening. This is felt to be acceptable in terms of mitigating any impact upon the amenity of the occupants of the retained bungalow.

4.9 In terms of the relationship with 7 Caedmon Close, the boundary comprises a substantial densely grown mature hedge some 1.8 metres high. It is envisaged to be retained as part of the proposal. In terms of separation distances Plot 3 would be some 18.8 metres from the gable elevation of the adjacent property at its closest point. This is felt to be acceptable and characteristic of the pattern of development in the surrounding area. Providing adequate measures are undertaken to secure the hedge during development which can be secured by condition as part of any development the proposal is felt to be acceptable in terms of impact upon the residential amenity of neighbouring properties.

DESIGN AND LAYOUT OF THE PROPOSED ACCESS ARRANGEMENTS

4.10 The proposed access arrangements as with the previous scheme would enter the site from the turning head to Caedmon Close in the proximity of No 8 but of indeterminate ownership. Concern has been expressed in terms of the potential for conflict between road users entering and leaving the site and traffic on Caedmon Close as a consequence of the length of access drive and the possibility of additional parking on Caedmon Close. The proposed parking provision is two-spaces per dwelling which meets the maximum standard in the local plan and additional parking outside of the site is unlikely. The location of the proposed access drive has been relocated with the re-submission, to the north west and narrowed slightly, though the proposed passing bay for vehicles entering and leaving the site is retained. The internal layout and external elevational treatment of No 8 has been amended in order to minimise impact upon the amenity of occupants of No 8 Caedmon Close as a result of passing traffic. It is not considered that the likely volume of traffic generated by the additional four dwellings would not be such as to have an adverse impact upon levels of congestion or highway safety. At the same time it is considered that the length of drive from the main road is not excessive in terms of access for emergency vehicles. The access arrangements are therefore once again considered to be acceptable.

IMPACT UPON A TREE OF SIGNIFICANT TOWNSCAPE VALUE

4.11 Policy NE1 of the York Development Control Local Plan sets out a clear policy presumption that trees and hedgerows which are of landscape or amenity value will be protected by refusing proposals which would result in their loss or damage as well as requiring trees or hedgerows which are retained on development sites to be adequately protected during any site works. Section 197 of the 1990 Town and Country Planning Act sets out a statutory duty requiring Local Planning Authorities whenever appropriate, when granting planning permission to ensure that adequate provision is made for the preservation of trees of townscape value.

4.12 The proposed access to the development would be taken from Caedmon Close which was developed in the late 1970s with detached houses in clearly defined grounds with a number of pre-existing mature trees protected by Preservation Order within the surrounding gardens. Of particular significance is a mature silver birch within the front garden of 7 Caedmon Close visually aligned on the north east approach along Caedmon Close from its junction with Whitby Drive. The location of the tree in close proximity to the boundary with the application site gives a high degree of visual definition to the wider street scene. Whilst the tree has been subject to a degree of differential growth as a result of vegetation previously to the east, it has been assessed as being in good health.

4.13 The previous proposal for the site was refused on the grounds of a clear adverse impact upon the root protection area of the protected tree. The revised scheme relocates the access drive further to the south west and to the edge of the identified root protection area of the protected tree. Further detail has also been forthcoming in respect of the method of construction of the proposed access drive and the tree protection measures envisaged. Subject to any permission being closely conditioned in respect of the implementation of the tree protection measures and the location of service runs etc it is felt that adequate provision has been put in place to secure the long term future of the tree and the development is on balance felt to be acceptable.

IMPACT UPON THE LOCAL SURFACE WATER DRAINAGE NETWORK

4.14 Policy GP15a) of the York Development Control Local Plan sets out a firm policy presumption that developers must satisfy the Local Planning Authority that any flood risk will be successfully managed with the minimum environmental effect whilst ensuring that the site can be developed, serviced and occupied safely. Central Government Planning Policy as outlined in paragraph 103 of the National Planning Policy Framework indicates that Local Planning Authorities should give significant weight in granting planning permission to the need to ensure that flood risk is not increased elsewhere.

4.15 Objections have been received in relation to the proposed means of surface and foul water drainage for the application site particularly in the light of the Environment Agency's recent assessment of areas likely to be prone to surface water flooding. The proposal envisages the installation of a pumped foul drainage system draining into the public foul water system in Stockton Lane. Surface water would be attenuated on site before being passed through the Yorkshire Water public surface water sewer in Caedmon Close. The applicant has demonstrated through a further report since the submission of the application that this can be safely achieved without increasing flood risk to other properties in the area. Concern has also been expressed in relation to smells and particularly noise in relation to the proposed foul sewage pumping system. The system would however be entirely subterranean and would not give rise to any material issue of noise pollution in the surrounding area.

IMPACT UPON LOCAL HABITAT AND BIODIVERSITY

4.16 Concern has been expressed in relation to the potential impact of the proposal upon local habitat and biodiversity. There is however no evidence of the presence of protected species in the locality and whilst it is acknowledged that the area of natural habitat would be reduced this is not felt to be materially harmful and can be effectively mitigated by condition attached to any planning permission.

OTHER ISSUES

4.17 Concern has once again been expressed in relation to the ownership of the land comprising the access road and the possibility of restrictive covenants relating to the usage of the land. These issues are private legal matters and are not therefore material to the determination of the planning application. The grant of planning permission would not override other legal rights or restrictions.

4.18 Concern has been expressed in terms of the lack of provision for “affordable housing” within the scheme and the impact upon local services. The development represents a modest “windfall” development on an otherwise unallocated site. As such it falls below the adopted threshold in terms of affordable housing and as a consequence of the size of the development any impact upon local facilities would be modest.

5.0 CONCLUSION

5.1 No.206 Stockton Lane comprises a large brick built house dating from the 1950s with a large garden. Planning permission is sought for the erection of four detached dwellings within the former rear garden area. Planning permission has previously been refused on the grounds of impact upon the root protection area of a protected tree within the grounds of a neighbouring property. The access to the development has now been modified to address the previous reason for refusal and is now on balance felt to be acceptable. The proposal whilst dense in terms of its layout is felt to be acceptable within the context of the surrounding area and the pattern of scale and massing is similarly reflective of the locality. Whilst the proposed access has given rise to some concern it is felt to be adequate to serve four properties without due harm to other road users in the locality. The proposed means of foul and surface water drainage is felt to be acceptable. The application is considered to comply with the NPPF and policies GP1, GP10, H4A, NE1 And GP15A.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing Refs:-354003A; 354004A; 354001B; 354002A; 354005; 354100G.

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 VISQ4 Boundary details to be supplied

5 Before the commencement of development, including site preparation, building operations, any excavations, or the importing of materials, a finalised arboriculture method statement regarding protection measures for the existing tree(s) shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include phasing of works, details and locations of protective fencing, location of site cabin, site access during construction, type of construction machinery/vehicles to be used, (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles, and locations for stored materials, et al, and location of marketing suite where applicable. It shall also include construction details of driveway; plus means of protecting the existing tree(s) in perpetuity after completion of development.

Reason: To protect existing trees which are covered by a Tree Preservation Order and considered to make a significant contribution to the amenity of the area. This condition is required prior to any development or operations which may impact on the tree.

6 No part of the development shall be occupied until there has been submitted and approved in writing by the Local Planning Authority a detailed landscape scheme which shall include the species, and position of new tree planting, and details of tree pits, means of support and watering. The trees should be planted in locations that are suitable for the trees' successful establishment and development of healthy mature crowns.

This scheme shall be implemented within six months of practical completion of the development. Any trees which within a period of five years from the substantial completion of the planting and development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing. Any works to existing trees that are protected by a tree preservation order (TPO) are subject to local authority approval within and beyond this five year period.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of trees as they are integral to the amenity of the development.

7 All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

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Not at all on Sundays and Bank Holidays

Reason: To protect the amenity of local residents from noise and vibration.

8 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9 EPU1 Electricity socket for vehicles

10 ARCH2 Watching brief required

11 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A, B, E and F; of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of the amenities of the adjoining residents and to secure the root protection area of a Protected Tree on adjoining land the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

12 HWAY18 Cycle parking details to be agreed

13 No part of the site shall come into use until turning areas including passing place have been provided in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority. Thereafter the turning areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To enable vehicles to enter and leave the site in a forward gear thereby ensuring the safe and free passage of traffic on the public highway.

14 No house shall be occupied until its vehicle parking areas (including garage where shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: To avoid the loss of vehicle parking areas in the interests of highway safety and residential amenity.

15 Prior to the commencement of the development hereby authorised above foundation level full details of the proposed measures to safeguard wildlife habitat during and following on from the construction process shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason: - To safeguard the habitat of a protected species and to secure compliance with Policy NE6 of the York Development Control Local Plan

16 The development hereby authorised shall not be carried out otherwise than in strict accordance with the submitted Foul and Surface Water Drainage Scheme dated 11th November 2015.

Reason: To ensure that the site is safely and satisfactorily drained and to ensure compliance with Policy GP15a) of the York Development Control Local Plan.

17 The alterations to no.8 Caedmon Close shall be completed as shown on drawing number 354 005 prior to the commencement of any other part of the approved development.

Reason: To protect the living conditions of no.8 Caedmon Close during and after the development.

7.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

* Sought clarification of the capacity of the proposed surface water attenuation system.

2. CONTROL OF POLLUTION ACT 1974:-

The developer's attention is 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 adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

(b) 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".

(c) 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.

(d) 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.

(e) 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.

(f) There shall be no bonfires on the site

3. HIGHWAY WORKS:-

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

Contact details:

Author: Erik Matthews Development Management Officer

Tel No: 01904 551416