

COMMITTEE REPORT

Committee: East Area
Date: 24 January 2008
Ward: Hull Road
Parish: Hull Road Planning Panel

Reference: 07/02384/REMM
Application at: Land Adjacent To Derwent County Junior And Infant School
Osbalwick Lane York
For: Erection of 23 no. dwellings with garages
By: Harron Homes (Yorkshire) Ltd
Application Type: Major Reserved Matters Application (13w)
Target Date: 28 January 2008

1.0 PROPOSAL

1.1 This is a reserved matters application for the erection of 23 dwellings at Osbalwick Lane, York. The application site and further land within the curtilage of Derwent Junior and Infant School was the subject of an outline planning permission in September 2005. The outline planning permission established the principle of residential development on this application site and also the enhancement of the school's sports facilities. A reserved matters application for the enhanced sports facilities was granted in November 2007.

1.2 The site is located on the south side of Osbalwick Lane. A public footpath runs the length of the site along the western boundary. Derwent Junior and Infant School and residential properties at Old School Close form the eastern boundary of the site.

1.3 The proposal, which has been amended since first submission, is to erect 6 terraced houses and 17 detached houses, two and two and a half storeys high. Vehicular access to the development is from Osbalwick Lane in a position approved as part of the outline planning permission. The proposal also includes the widening of the public footpath on the western side of the site to 3 metres and the provision of a 400 square metre play area which will be equipped to a LEAP standard (A play area which caters for 4 - 8 years of age containing at least 5 types of play equipment of which at least two are individual).

1.4 The application is supported by a design and access statement, an arboricultural survey and a flood risk assessment.

1.5 A committee site visit is to take place because objections have been received and the application is recommended for approval. A site visit will also assist in the determination of the application in that members will be able to consider the relationship of the scheme to surrounding development and consider the impact on the existing public footpath.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001
DC Area Teams East Area (1) 0003

Schools Multiple (Spatial)

2.2 Policies:

CYGP1
Design

CYT2A
Existing Pedestrian/Cycle Networks

CYT2B
Proposed Pedestrian/Cycle Networks

3.0 CONSULTATIONS

3.1 INTERNAL

Highways Network management

No objections based upon the latest revised drawing (HHY/238/10F)

The application accords with the conditions/detail proposed and secured at the outline application stage. As such all issues relating to traffic generation and access have been previously considered and approved. The reserved matters plans that have been submitted accord with the outline application and as such no objections are raised. Car and cycle parking has been provided in accordance with CYC Annex E standards.

Environmental Health
No objections

Landscape Architect

Comments on the original submission:-

The proposed scheme involves the removal of several trees (including one within a private garden) and the retention of only one within the site boundary. A tree survey should be provided to establish whether this is reasonable action and to inform tree protection methods for the trees to be retained. The Sycamore adjacent to the existing right of way appears to be worthy of retention. Therefore the applicant should investigate ways of circumnavigating it . This tree was accommodated in the indicative outline scheme.

The proposals should be supplemented with a landscape scheme, and hedge replacement planting where needed, and retention of the remaining existing hedge (which should also be conditioned).

The landscape Architect also raises concerns about the boundary treatment and surveillance of the play area.

Amended scheme

The latest scheme shows the retention of Tree10. This tree is currently located in the grass adjacent to the footpath and would be incorporated into the widened footpath. A condition requiring a method statement to be submitted should be attached in order to demonstrate how the change in surface and edge treatment around the retained tree would be carried out without being detrimental to the health of the tree.

The planting scheme submitted is acceptable.

Crime Prevention Officer

Comments on Original scheme:-

There are several points on the site layout which indicate that access points to the rear of properties do not have appropriate secured gates. This may be an omission in the plans but I would ask that this is included in the build. The tendency in the warmer weather to open windows for ventilation purposes creates an opportunity for the thief to operate. It is therefore vital that vulnerable ground floor windows have opening window restrictors fitted. The security of this development would be further enhanced by discouraging casual intrusion by non-residents. Access points should be well lit. Communal car parking bays should be well lit during the hours of darkness. DETR Design Bulletin 32, 'Places, Streets and Movement' states that, in relation to natural surveillance. Where gable ends are located laterally adjacent to any footpaths or roadways within the estate consideration should be given to the inclusion of at least one window that overlooks these areas which would provide good surveillance and particularly if those locations are not already overlooked.

Comments on the amended scheme are awaited.

Life Long Learning and Leisure

Comments awaited on the amended scheme

York Consultancy

Insufficient information has been provided by the developer to determine the potential impact the proposal may have on the existing drainage systems and adjacent properties

3.2 EXTERNAL

Hull Road Planning Panel (comments on the original scheme):

Do no object but wish to make the following comments:-

1. The members of the Panel are generally impressed with the overall design and the layout of the house design. However, we are concerned with the "canyonisation" of the local public footpath which renders the proposed layout as unacceptable to the panel. The path is enclosed on both sides by high fences for a considerable distance without "escape" routes.

The panel would suggest that the path is diverted within the proposed developments access road. The properties on the west could be moved further westward by the width of the path while it would provide the same amount of space on the access road for the footpath the footpath would then exit the development on the south side alongside the garages - some minor adjustments in the layout would be necessary to accommodate this.

2. The panel also feel that it is not desirable to have so many terrace effect houses backing onto the high fence on the west side. This could be avoided by an east/west lateral inversion of the layout. This would not affect the design of the layout in any other way.

3. The Panel regrets that the current layout differs from the previous design, which did have the houses on the east of the access road rather than the west which produces a more attractive and a more practical layout overall.

Amended proposals

The panel have looked at the changes and are pleased that the suggestions made by the panel were taken into consideration. Therefore the panel have no objections to the amendments.

Yorkshire Water

The submitted plans show an unmeasured sewer easement and no site survey positions of the public foul and surface water sewers which are recorded to cross through the site. The original comments related to the July 2005 application still apply. Survey plans and detailed proposals are therefore requested.

Internal Drainage Board

The application suggests that the water discharge is above that which the sewer is capable of accommodating. There is no consideration of the discharge point into the watercourse or its potential effect to the risk of flooding. Until the applicant provides details as to the potential effect on the water course system of the proposed discharge the board objections to the application.

Amended scheme:

There is nothing in the amended scheme that would allow the board to change its earlier comments

Three letters of objection were received in relation to the originally submitted scheme. The objections covered the following points:-

- The development will cause traffic congestion in the area
- concerned about the canyonisation of the pathway to the west of the site, this could be relieved by moving the LEAP to the western boundary of the site
- The footpath should be alley gated at night
- The building line is too close to Osbaldwick Lane
- There is no significant planting proposed
- It is unclear how fencing on the eastern boundary will relate to existing domestic fencing on adjacent properties.
- The LEAP is adjacent to our rear garden what is going to be on this LEAP_

One further letter has been received on the amended scheme covering the following points:-

- It is still unclear how the fence on the eastern side of the site is to be dealt with in relation to existing residential properties

3.3 PUBLICITY

The application was advertised in the Press on the 7th November 2007. The notice expired on the 28th November. A site notice was posted on the site on the 12th November 2007 and expired on the 3rd December 2007

4.0 APPRAISAL

4.1 The principle of the development of this site has been established by virtue of the outline planning permission granted in September 2005. The outline planning

permission included land which has recently been granted consent for improved sporting facilities for the school and the wider community.

4.2 The issues reserved on the outline application were siting, design, external appearance, boundary treatment and landscaping. Conditions were also attached to the permission requiring the line of the footpath to the west of the site to be agreed, requiring recreation open space to be provided in the site, specifying that there should be no more than 25 dwellings in total and requiring affordable housing if more than 24 dwellings are proposed.

4.3 The proposed scheme raises the following key issues:-

- Policy background
- Design and landscaping
- Highways issues including public footpath improvements
- Open space
- Residential amenity
- Drainage
- Crime Prevention

Policy Background

4.4 The principle of the development has been established under the outline consent. In terms of the detail of the scheme, Policy GP1 of the Draft Local Plan states that development proposals will be expected to respect or enhance the local environment and be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces and the character of the area. Policies T2a and T2b require the maintenance and improvement of existing pedestrian and cycle routes. Policy L1 of the Second Set of Changes to the Local Plan has been specifically referred to in the conditions of the outline planning permission in relation to the provision of recreation open space. Open space is required to be provided in accordance with the second set of changes.

Design and landscaping

4.5 The development, as amended, is a mix of detached and terraced family housing between two and two and a half storeys high. The scheme has regard to the siting and disposition of existing housing surrounding the site, including height, design and mix. The scheme is considered to be an acceptable design in the context of adjacent development.

4.6 The landscaping scheme submitted with the application shows the introduction of new trees, low level planting and hedging to garden areas and around the proposed play area. The landscaping scheme will provide a good landscape structure appropriate to the character of the area and is considered to be acceptable. The Landscape Architect raises no objections to the submitted landscaping scheme.

4.7 There are a number of existing trees within the site, three of which would be removed to facilitate the development, two in order to facilitate the widening of the footpath, and one to accommodate the vehicular entrance. The remaining trees

would be retained and incorporated into the landscaping scheme. It is also proposed to retain the hedge to the front of the site other than where pedestrian access is to be provided to the frontage properties. The retention of existing trees and hedging would help to assimilate the scheme into its surroundings.

Highway Issues Including Public Footpath Improvements

4.8 The position of the vehicular access to the site was agreed as part of the outline planning permission. The submitted scheme reflects the position agreed. Highways Network Management are satisfied with the amended scheme in this respect and in terms of the design of the estate road, access and parking arrangements.

4.9 The outline planning permission, which did not include the existing footpath within the red line curtilage of the application, requires that the route of the footpath to the west of the site be agreed as part of the reserved matters. The bid document that accompanied the sale of the land by the council requires the footpath to be widened to 3 metres. The footpath is currently about 1.5 metres wide. The aim of widening the footpath is to achieve an improved arrangement for existing footpath users as part of the scheme in line with policies T2a and T2b of the draft Local Plan. The main concern is to ensure that the development does not result in the excessive enclosure of the footpath in such a way that it would become unwelcome and intimidating for the users.

4.10 The submitted scheme shows the footpath widened to 3 metres, with the play area immediately adjacent. Access would be available from the play area to the footpath. There are fences and buildings adjacent to the footpath although some of the built areas are adjacent to open areas on the opposite side of the footpath. It is considered that the combination of the widening of the footpath, the location of the open space along it and the careful siting of buildings would result in the quality of the pedestrian route being improved, and thus is acceptable in the context of Local Plan policy.

Recreation open space

4.11 The requirement of the outline planning condition is that all open space provision should be provided within the site in accordance with policy L1 of the second set of changes to the Local Plan. Lifelong Learning and Leisure have indicated through discussions that the provision of a 400 square metre fully equipped LEAP area is sufficient to comply with the requirement of the condition. A maintenance payment will be required by condition.

4.12 The play area has been sited so that it is accessible from both the application site and from the public footpath. It allows openness along the footpath and provides a welcome resource in the local area adjacent to the school. A "LEAP" is defined as a play area which caters for children 4 - 8 years of age, containing at least five types of play equipment of which at least two are individual. The specific details of the play equipment have not yet been received. A condition is proposed to ensure the satisfactory submission and implementation of a scheme for the play area before any dwelling on the site is occupied.

Residential Amenity

4.13 The amended scheme has been designed with the siting of existing dwellings clearly taken into account. It is considered that the development can be achieved without adversely impacting on the residential amenity of adjacent properties.

Drainage

4.14 There were no conditions relating to the submission of drainage details attached to the outline planning permission, neither was drainage a reserved matter on the outline permission. On this reserved matters application, it is therefore not possible to require submission of drainage details or refuse the application based on lack of information relating to drainage. Comments relating to drainage have, however, been forwarded to the applicant and they have confirmed that it is their intention to comply with the drainage requirements. Notwithstanding the fact that a sewer easement has been indicated on the layout plan, Yorkshire Water are concerned that this has not been surveyed to ensure a three metre clearance is achieved on either side of the line of the sewer. These comments have been passed to the applicant, who has been requested to confirm that the location of the easement is accurate. Clearly, the siting of the dwellings may be affected if the location of the easement is not accurate. This matter will be updated at Committee.

Crime Prevention

4.15 The amended scheme is significantly different to that which the Crime Prevention Officer originally commented upon. The further comments of the Crime Prevention Officer are awaited and will be reported directly to Committee.

5.0 CONCLUSION

5.1 The principle of this development has been established by virtue of the outline planning permission granted in September 2005. The amended scheme submitted, which incorporates the widening of the existing footpath on the west of the site and the provision of a fully equipped LEAP play area, is considered to be acceptable in the context of surrounding development.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-

HHY/238/12B
HHY/238/10F
HHY/238/13B
HHY/238/23 -37
R/888/1B
303.18.0.19
303.18.0.18

303.18.0.16

303.18.0.02

Arboricultural Survey by FDA Landscapes Ltd

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.

2 VISQ8 Samples of exterior materials to be app

3 In the first planting season following the occupation of the first dwelling on the site the landscaping scheme shown on Drawing no. R/888/1B shall be implemented to the satisfaction of the Local Planning Authority. Thereafter the landscaping scheme shall be maintained and all losses shall be made good for a period of 5 years.

Reason: In the interests of visual amenity

4 Prior to the commencement of the development full details of the play area shall be submitted to and approved by the Local Planning Authority. The approved details shall thereafter be implemented to the satisfaction of the Local Planning Authority before any dwelling is occupied on the site.

Reason: To ensure the provision of on site play facilities in the interests of residential amenity.

5 No development shall commence unless and until details of provision for the future maintenance of the public open space within the site, or alternative arrangements, have been submitted to and approved in writing by the Local Planning Authority. The public open space shall then be maintained in complete accordance with the approved scheme, or the alternative arrangements agreed in writing with the Local Planning Authority.

Reason: In order to ensure that adequate arrangements are in place for the future maintenance of the public open space, in the interests of amenity of future occupiers of the proposed development.

6 Prior to the commencement of the development a detailed plan and schedule of works for the front boundary hedge shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved detail and schedule shall be implemented to the satisfaction of the Local Planning Authority in accordance with a timescale agreed within the schedule.

Reason: To ensure the long term survival of the hedge in the interest of visual amenity.

7 Prior to the commencement of development a detailed method statement shall be submitted to and approved in writing by the Local Planning Authority to demonstrate how the change in surface and edge treatment around the retained tree

(Tree T10 as referred to in Arboricultural report submitted with the application) can be carried out without detriment to the health of the tree. The development shall be carried out in complete accordance with the approved method statement, which shall include a time scale to be agreed as part of the statement.

Reason: In order to ensure the long term survival of the tree in the interests of visual amenity.

7.0 INFORMATIVES: Notes to Applicant

1. Informative: The alternative arrangements referred to in 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 to be paid to the Council towards the future maintenance of the open space. The obligation should provide for a financial contribution calculated at .

2. 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 highways, design and landscape and residential amenity. As such the proposal complies with Policies GP1, T2a and T2b of the City of York Local Plan Deposit Draft.

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