

COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Westfield
Date: 20 March 2008 **Parish:** No Parish

Reference: 07/02966/FUL
Application at: Playground Chapelfields Road York
For: Erection of 9 no. two storey dwellings with associated parking and access (Resubmission)
By: Spirit Regen. _ Dev. Co LLP
Application Type: Full Application
Target Date: 15 February 2008

1.0 PROPOSAL

1.1 The application is for the erection of a 9 no. two storey dwellings with associated parking and access (resubmission). The affordable housing project would be funded by The Housing Corporation to provide general needs housing for rent. The dwellings would be red brick and render with slate roofs.

1.2 The site is a disused playground to the rear of 73 to 87 Chapelfields Road, the site is designated as open space in the Proposal Maps of the city of York Development Control Local Plan (2005).

1.3 The character of the area is two storey semi-detached and terraced dwellings in both private and housing authority ownership.

1.4 The application comes before committee at the discretion of the Assistant Director Mike Slater.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYGP1
Design

CYGP4A
Sustainability

CYGP7
Open Space

CYH4A
Housing Windfalls

CYH5A
Residential Density

CYL1C
Provision of New Open Space in Development

CYH3C
Mix of Dwellings on Housing Site

3.0 CONSULTATIONS

3.1 PUBLICITY DATES/PERIODS

Neighbour Notification - Expires 21/01/2008

Site Notice - Expires 24/01/2008

Press Advert - N/A

Internal/External Consultations - Expires 14/02/2008

8 WEEK TARGET DATE 15/02/2008

3.2 INTERNAL CONSULTATIONS

EDUCATION

3.2.1 Do not require a contribution, as there is sufficient space at both schools

LIFELONG LEARNING AND CULTURE

3.2.2 As there is no on-site open space commuted sums should be paid to the Council for a) amenity open space - this would need to be replaced with suitable size replacement plot. b) Play space - which would be used to improve a local site such as Acomb Green c) sports pitches - which would be used to improve a facility within the West Zone of the Sport and Active Leisure Strategy. The contribution to off site provision is to be based on the or latest York formula through a Section 106 Agreement. As background I am not aware of the site having a playground for at least 20 years. Commuted sum - £12,060

CITY DEVELOPMENT

3.2.3 With 9 dwellings proposed on a site of 0.31ha, the density is below that required by Policy H5a. Residential developments within the urban area should be at least 40dph. The density proposed for this development is 29dph.

3.2.4 The resubmitted proposals indicate that replacement open space will be provided in compliance with Policy GP7. The proposed residential development should be conditioned in light of policies H2a, H4a and H5a

COUNTRYSIDE OFFICER

3.2.5 The former playground area is now rank grassland and bramble of limited interest. Concern regarding the proposed replacement open space does have some significant interest, despite its use as a dog-walking, playing field area. The location has two areas of interest, Westfield Playing Field and Westfield Marsh.

3.2.6 Westfield Marsh is an interesting wet marsh area located on springs that come out at the foot of the bank, probably where impervious clays are overlain by sands. The marsh here has an interesting wet, acid flora that probably continues on into the neighbouring field.

3.2.7 Westfield Playing Field on the other hand lies on the upper slope adjacent to the road and is a relict of the old sandy flora for which Acomb used to be well known. It is a dry, Breckland type flora not known to occur elsewhere in the City and rare even beyond that. Despite its present use and management, this interest remains and can survive because of the habitat type it is. Recent surveys have also indicated an interesting and rare invertebrate fauna, at least in the marsh area.

3.2.8 If there is to be formal play equipment etc added or some other facility that substantially increases the use of the area, then consideration will need to be given to see how the impact of this on the surrounding area can be reduced. An enhancement scheme could be drawn up very easily and with only limited cost. Much of this enhancement could simply involve including wildflower plugs into the existing grass and managing the area accordingly. Depending on what use is proposed, a small pond/ wet hollow or some scrub could also be included with on site interpretation to inform the local community of the sites interest. Biodiversity enhancement in existing open space areas such as this are now strongly recommended in Planning Policy Statement 9 on Nature Conservation and in the Planning Policy Statement on Open Space. A viable and comprehensive scheme should be developed that does not conflict with the Council's new duty under the NERC Act 2007 to consider biodiversity in all of its functions. Suggest that this could be covered by a landscape condition, adapted to ensure that the overall nature conservation interest can be accommodated.

HIGHWAY NETWORK MANAGEMENT

3.2.9 Comments on the original submitted plans:

- Carriageway, should be wide enough to accommodate two vehicles, and should be wider around the bend
- Turning arms should be increased in size
- All footpaths should be 2 metres wide

- Increase in the size and orientation of some of the car parking spaces
- The overall number of parking spaces represents a 140% provision; the slight overprovision is not objected to as it includes two disabled spaces and it should ensure that the turning are kept clear
- Cycle storage for two of the dwellings if the bikes went through the house.

3.2.10 Comments to revised plans - no highway objections to this application subject to the following conditions: -

- Std h/w 7 - Const of Roads & Footways prior to occup
- Std h/w 10 - Vehicular areas surfaced, details reqd
- Std h/w 19 - Car and cycle parking laid out
- Std h/w 27 - Adoptable road layout to be agreed
- Std h/w 31- No mud on highway during construction
- Std h/w 34 - Completion of the highway

Prior to the commencement of any building works on the site, replacement access and parking arrangements for house nos 71 & 73 Chapelfields Rd as shown in the approved plan nos 06156/P01 Rev F shall be provided

INF 1 Consent for highway works
Adoption of highways - section 38 - Mr M Kitchen 01904 551336

ENVIRONMENTAL PROTECTION UNIT

3.2.11 No objections

DRAINAGE

3.2.12 No objections subject to the following details prior to a start on site:

3.2.13 The applicant should provide a topographic survey and proposed finished floor and ground levels to ensure that there will not be any detriment to the drainage of existing properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties

3.2.14 Adjacent surface water shall not be connected to any foul/combined sewer, if a suitable surface water sewer/watercourse is available.

3.2.15 If the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, carried out in winter - to prove that the ground has sufficient capacity to except surface water discharge (from a 1 in 30 year storm) and to prevent flooding of the surrounding land and the site itself

3.2.16 If a soakaway tests fail, then discharge to the watercourse is possible, provided that the peak flows are restricted to 'greenfield' runoff rates (which for this site would be 0.5 l/s), with suitable attenuation storage

3.3 EXTERNAL CONSULTATIONS/REPRESENTATIONS

MARSTON MOOR DRAINAGE BOARD

3.3.1 Object. The application is very similar to the previous one (07/01871/FUL) and there are a number of issues that require resolving. The application form states that the surface water discharge is to be disposed to watercourse. There is no real information contained within the documentation to answer the questions raised at the previous application. The disposal of the surface water is to utilise "sustainable urban drainage solutions" but there is no detail as to how it would work, nor how it could affect the surface water discharge to the watercourse during storm events. The Sustainability statement suggests that landscaping and rainwater harvesting will be used to reduce the risk of flooding there is no detail as to how it may work.

YORK NATURAL ENVIRONMENT PANEL

3.3.2 Object to the loss of public open space (POS) given that the PMP report identified there is too little POS provision in York. Although there is proposed mitigation POS at Westfield School, the school site would appear to already allow public access i.e. it will be a net loss in an area already lacking in POS.

3.3.3 If the Chapelfields Road is developed the Panel would like to see British native planting to enhance the wildlife value of the rear gardens backing onto agricultural fields. If the replacement POS is incorporated into school grounds there should be positive gain regarding the long term management of the adjacent SINC sites

ENVIRONMENT AGENCY

3.3.4 No comment

SPORT ENGLAND

3.3.5 There are no formal sport facilities currently or previously located at the site and therefore no objection is raised to the development with regards to the loss of playing fields or other sports facilities.

3.3.6 However the new development has the potential to increase the demand on existing sports facilities within the catchment area due to the additional residential units and therefore a planning obligation linked to a commuted sum may be appropriate.

4.0 APPRAISAL

4.1 RELEVANT SITE HISTORY

07/01871/FUL - Erection of 8no. two storey 2 bed and 1no. two storey 3 bed dwellings - Withdrawn

4.2 ADDITIONAL PLANNING POLICY

Planning Policy Statement 1 - Delivering Sustainable Development
Planning Policy Statement 3 - Housing

4.3 KEY ISSUES

1. Visual impact on the area
2. Impact on neighbouring property
3. Open Space
4. Drainage

4.4 ASSESSMENT

PLANNING POLICY

4.4.1 Planning Policy Statement 3 - 'Housing' (PPS3) sets out Government policy on housing development and encourages more sustainable patterns of development through the reuse of previously developed land, more efficient use of land, reducing dependency on the private car and provision of affordable housing. PPS3 also advises that car parking standards that require more than 1.5 spaces per dwelling are unlikely to secure sustainable development

4.4.2 Policy GP1 'Design' of the City of York Council Development Control Local Plan includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

4.4.3 Policy GP4a 'Sustainability' of the City of York Council Development Control Local Plan (2005) states that proposals for all development should have regard to the principles of sustainable development. Development should: provide details setting out the accessibility of the site by means other than the car and, where the type and size of development requires, be within 400 metres walk of a frequent public transport route and easily accessible for pedestrians and cyclists; contribute towards meeting the social needs of communities within the City of York and to safe and socially inclusive environments; maintain and increase the economic prosperity and diversity of the City of York and maximize employment opportunities; be of a high quality design, with the aim of conserving and enhancing the local character and distinctiveness of the City; minimize the use of non-renewable resources, re-use materials already on the development site, and seek to make use of grey water systems both during construction and throughout the use of development. Any waste generated through the development should be managed safely, recycled and/or reused. The 'whole life' costs of the materials should be considered; minimize pollution, including that relating to air, water, land, light and noise; conserve and enhance natural areas and landscape features, provide both formal and informal open space, wildlife area and room for trees to reach full growth; maximize the use of renewable resources on development sites and seek to make use of renewable

energy sources; and make adequate provision for the storage and collection of refuse and recycling.

4.4.4 Policy H4a 'Housing Windfalls' of the CYCDCLP states that permission will be granted for new housing development on land within the urban area providing: it is vacant/derelict/underused or involves infilling, redevelopment or conversion; has good access to jobs, shops and services by non-car modes; and, is of an appropriate scale and density to surrounding development and would not have a detrimental impact on existing landscape features.

4.4.5 Policy H5a 'Residential Density' of the City of York Council Development Control Local Plan (2005) states that the scale and design of proposed residential developments should be compatible with the character of the surrounding area and must not harm local amenity. Applications for all new residential developments, dependent on individual site circumstances and public transport accessibility, should aim to achieve net residential densities of greater than: 60 dwellings/hectare in the city centre; 40 dwellings/hectare in the urban areas; and 30 dwellings/hectare elsewhere in the City of York.

4.4.6 Policy L1c requires that all housing sites make provision for the open space needs of future occupiers. For sites of less than 10 dwellings a commuted payment will be required towards off site provision.

4.4.7 Policy GP7 'Open Space' of the City of York Council Development Control Local Plan (2002) states that the development of land designated as open space on the Proposals Map, or any other areas of open space that are provided in conjunction with a planning permission during the plan period, will only be permitted where: there are no detrimental effect on local amenity or nature conservation; and compensatory provision of an equivalent size and standard is provided by the applicant in the immediate vicinity of the site proposed for development.

VISUAL IMPACT ON THE AREA

4.4.8 The main part of the site is a triangular in shape to the rear of 73 to 87 Chapelfields Road, projecting out into the greenbelt; the greenbelt is on two sides of the site. The site was a play area but has fallen in to disuse and disrepair. The proposed 9 dwellings would be set around the parking area forming a square and would be built to a BRE eco homes 'very good' rating. There would be a detached dwelling to the south of the parking area (plot 9) and a pair of semi-detached dwellings (Plots 7 - 8) and a terrace of three dwellings (plots 4 - 6) to the east of the site and a terrace of three dwellings (Plots 1 - 3) to the north of the parking area. There are some concerns about the visual impact of a large area of hardstanding in front of the proposed dwellings that it would be aesthetically harsh and dominant, the plans show a small element of landscaping.

4.4.9 Each dwelling has private amenity space, 8 of the dwellings are two bedroomed and one is three bedroomed. The access road would be from Chapelfield Road between 71 and 73 Chapelfields Road taking part of the garden from each property. The distance between the dwellings is narrow and by virtue of the length of the access and it curving north, the proposed dwellings would not be

visible when viewed along the access road from Chapelfields Road creating a rather 'dead' looking access.

4.4.10 Policy H5a expects that in urban areas residential densities should generally be greater than 40 dwellings per hectare, the density on this site would be 29 dwellings per hectare. The shape of the site restricts the design configurations available to the applicant. The "dwellings per hectare" provision is considered to be acceptable in this instance as the overall layout in conjunction with the aforementioned density is comparable with properties, which border the application site.

4.4.11 A 1.8 high fence on the front boundary to 71 and 73 Chapelfields Road is considered to be in appropriate and contrary to the open character of the area. There are no other examples in the area.

IMPACT ON NEIGHBOURING PROPERTY

4.4.12 The proposed dwellings by virtue of their positioning and distance away from the dwellings on Chapelfields Road are not considered to cause any loss of privacy or loss of light to these dwellings. The dwelling on Plot 1 would be closest to the dwellings on Chapelfields Road with a distance of 18 metres, there would be no windows in the side elevation of the proposed dwelling with a 1.8 metre high fence along the shared rear/side boundary. There would be no significant loss of outlook to the existing dwellings on Chapelfields Road and it is not considered to be overbearing or over dominant by virtue of the distance between the dwellings.

4.4.13 There is a little ambiguity about windows in the west elevation of Plot 9, as they would overlook the garden of Plot 8. If planning permission was approved the removal of the first floor window in this elevation could be conditioned

4.4.14 The access to the proposed site would be long (43 metres) and would pass very close to the flank wall of 71 and 73 Chapelfields Road and alongside the full length of their gardens. The application would see the removal of land to the side of both properties with a 1.8 metre high fence marking the new boundaries. From the both dwellings at 71 and 73 Chapelfields Road there would be a separation distance of 0.3 metres from the new access road and pedestrian walkway. It would also introduce vehicular traffic into the open area immediately adjacent to the rear of the gardens of 73 to 81 Chapelfields Road, a significantly different situation from that which currently exists. By virtue of the size of the development there would be a large amount of vehicular movement along the access road and together with the close proximity of the new road to existing dwellings and gardens would lead to an increase in noise and disturbance, specifically to the occupants of 71 and 73 Chapelfields Road, the road and fencing would also be visually intrusive as the road would be partially to the front of these dwellings. This would result in a significant loss of residential amenity to the occupants and therefore would be contrary to Policies GP1 and GP7 of the City of York Council Development Control Local Plan

OPEN SPACE

4.4.15 The housing site is designated as open space in the City of York Council Development Control Local Plan. In the supporting information for the application it is stated that it would like to provide replacement open space 440 metres away, part of the replacement open space would be part of the Westfield Primary school field in line with Policy GP7.

4.4.16 The applicants/agent were advised that a separate application for the change of use of part of the Westfield School playing fields and Westfield Marsh to open space would be required.

4.4.17 There are some concerns to the exact use of the proposed area if it is to be used as a play area with play equipment, which would increase the use of the site. The countryside officer has stated that some of the site has flora and fauna of significant interest. Biodiversity enhancement as a condition has been encouraged by the countryside officer however as this site would require an additional planning application it is considered that it could not be conditioned if this application was granted permission.

4.4.18 There is an argument to be made that as the old playground site at the rear of Chapelfields Road (whilst stated as open space in the Local Plan) is not being used as that at present or for some significant time and therefore there is no real loss of open space and replacement of the open space is not required.

DRAINAGE

4.4.19 There has been some concern expressed regarding the drainage of the site. There is a watercourse running in a ditch on two sides of the site. Marston Moor Internal Drainage Board has objected to the application on insufficient information to determine the potential impact the proposals may have on the existing drainage systems. Whilst there is the potential for some of issues to be dealt with under conditions, some of the suggested conditions by the Drainage Board such as no building within 9 metres from the top of the banks of water course on either side (6 of the dwellings would be built within 9 metres of the watercourse) would result in a planning permission that could not be built. The agents were advised that additional drainage details were required but no further information has been submitted. It is considered that the drainage issues should be dealt with pre-decision rather than post-decision, as there is the potential for significant alteration to the plans.

EDUCATION AND OPEN SPACE CONTRIBUTION

4.4.20 No financial contribution is required by education as the both local schools, Westfield Community Primary and York High have spare capacity.

4.4.21 Under Policy L1c "Provision for New Open Space in Development" the applicant is required to provide a financial contribution of £12,060 which will be used to improve local amenity open space, play space and sports pitches.

SUSTAINABILITY

The applicants have submitted a sustainability statement that looks at various issues including: the proximity of the site to public transport; the dwellings would be built to the BRE eco homes 'very good' rating; the demolition of the existing foundation and the reuse of the materials within the site; and the intention to use rainwater harvesting, grey water recycling and water efficient appliances

5.0 CONCLUSION

5.1 The style, tenure and design of the dwellings are considered to be acceptable and there would be limited overlooking and loss of privacy to the occupants of dwellings on Chapelfields Road. The proposed dwellings would not be overbearing and are in scale with the surrounding streets.

5.2 The proposed access road by virtue of its proximity to the dwelling (0.3 metres) and gardens of 71 and 73 Chapelfields Road would cause noise and disturbance to the occupants of these dwellings from vehicular movements and would result in a significant loss of residential amenity.

5.3 Without further information regarding drainage it is unclear how acceptable it would be in regards to drainage and the adjacent watercourse.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The proposed access road that runs between 71 and 73 Chapelfields Road by virtue of its close proximity to the dwellings and gardens of 71 and 73 Chapelfields Road would cause noise and disturbance from vehicular movements and would result in a significant loss of residential amenity to the occupants of these dwellings and therefore would be contrary to Policies GP1 and H5a of the City of York Council Development Control Local Plan (2005) and national planning guidance in Planning Policy Statement 3 'Housing'.

2 Insufficient information has been provided by the applicant/agent to determine the potential impact of the proposal may have on the existing drainage systems and therefore is contrary to Policies GP1, GP15a and H4a of the City of York Council Development Control Local Plan (2005) and national planning guidance in Planning Policy Statement 3 'Housing'.

7.0 INFORMATIVES:

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