

## COMMITTEE REPORT

**Committee:** East Area  
**Date:** 10 April 2008

**Ward:** Heworth  
**Parish:** Heworth Planning Panel

**Reference:** 07/02736/FUL  
**Application at:** Site Lying To The West Of Morrith Close York  
**For:** Erection of 6no. two storey dwellings  
**By:** Yorkshire Housing  
**Application Type:** Full Application  
**Target Date:** 18 March 2008

### 1.0 PROPOSAL

1.1 This application seeks full planning permission for the erection of 6no. two storey dwellings on 0.24 ha of land adjacent to Morrith Close. The scheme would utilise the existing access off Morrith Close and consist of one block of four 2 bedroom houses (plots 1-4) and one pair of 3 bedroom houses (plots 5-6). The properties would be two storey in nature and constructed of brick and tile. Each property would be provided with off-street car parking to the front and a private garden area to the rear. Plots 1-4 have been stepped down to reflect the natural topography of the site. An area to the south eastern corner of the site is to be retained as a communal garden area for the existing residents of Morrith Close.

1.2 The site is accessed off Morrith Close and consists of a vehicular turning head surrounded by grassland, which contains a number of semi mature trees. The site slopes gently downwards in a northerly direction towards Ferguson Way. The surrounding area is residential in nature and comprises of two storey brick built dwellings and blocks of flats.

1.3 The application site is unallocated on the City of York Draft Local Plan.

1.4 Amended plans were submitted on 11th March 2008 showing revisions to the road layout and turning head as requested by Highways.

1.5 A request has been received from Councillor Potter for the application to be considered by the Planning Committee.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams Multiple (Spatial)

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

## 2.2 Policies:

CYGP1  
Design

CYGP4A  
Sustainability

CYH4A  
Housing Windfalls

CYH5A  
Residential Density

CYL1C  
Provision of New Open Space in Development

## 3.0 CONSULTATIONS

### 3.1 Statutory / None Statutory

Highways - No objections in principle. Originally raised concerns with regards to the lack of pedestrian facilities and the size of the turning head. Amended plans were subsequently submitted to address these two points. Also raise a more minor issue relating to cycle storage which is addressed under the appraisal section of this report. Recommend a number of standard conditions.

Heworth Planning Panel - No objections in principle, request replacement tree planting.

Environmental Protection - No objections, subject to standard conditions relating to contaminated land and control of construction noise.

Lifelong Learning and Culture - A commuted sum for public open space is required for amenity open space, play space and sports pitches.

Educational Planning Officer - No education contribution required.

Environment Agency - The submitted Flood Risk Assessment shows that the development should be above any potential flood levels. However, the study does indicate drainage in this area is sensitive and that there should be absolutely no increase in surface water run off into South Beck. A condition should therefore be attached limiting surface water run-off.

Sustainable Drainage - The development is located within medium risk Flood Zone 2 and could, according to the Environment Agency's maps, suffer from river flooding. However, there are no objections in principle, as the submitted Flood Risk Assessment adequately deals with flood risk. The developer must submit full details of the proposed surface water attenuation, prior to commencement.

Yorkshire Water - No objections, subject to standard conditions.

Policy - When determining the appropriateness of residential development the following should be considered; Housing should be consulted to confirm that they are satisfied that the proposed housing meets our affordable housing requirements; 6 dwellings on the site would equate to a density of 25dph whereas in urban areas residential developments should be at least 40dph; the proposed layout, density and the amenity of residents should be appraised in line with policy H4a (Housing Windfalls).

Housing - This scheme has been developed in partnership with City of York Council and Yorkshire Housing. The properties will be built by Yorkshire Housing with City of York Council benefiting from 100% nomination rights on first lets, with 75% nomination rights on subsequent re-lets. The homes will help to meet the demand for family housing identified by the Housing Market Assessment released in July 2007. The proposals are funded with Social Housing Grant (SHG) from the Housing Corporation. As part of the requirement of receiving SHG the homes must be built to Scheme Development Standards and Eco-Homes Very Good, which has influenced the design and aesthetics of the scheme. Yorkshire Housing has carried out an extensive consultation process with local residents and have revised the scheme several times to incorporate changes in response to residents concerns. As part of the application Yorkshire Housing will create a dedicated private garden for the use of residents in the existing flats at Morritt Close.

### 3.1 Public Response

A letter has been received from a resident of Theresa Close seeking assurances that the proposed dwellings will not encroach into the rear garden area of her property.

Representations have been received from the owner of 12 Morritt Close, which is a flat within a block beyond the eastern boundary (9-12), the side elevation of which faces the site. Objections have been raised on the following grounds; the position of plots 5 and 6 and their proximity to the block of flats on Morritt Close (9-12); the position of the communal garden which separates flats 13 - 28 from the development more than flats 9-12; requested garden areas are made good and appropriate planting be carried out.

## 4.0 APPRAISAL

### 4.1 Principle of Residential Development

The application site is unallocated on the City of York Draft Local Plan and is therefore classed as a windfall site. Policy H4a (Housing Windfalls) is therefore relevant in the consideration of this application. This policy requires proposals to accord with the following; the site is within the urban area and is vacant, derelict or underused or it involves infilling, redevelopment or conversion of existing buildings and; the site has good accessibility to jobs, shops and services by non-car modes.

The site is located within the urban area, and is surrounded by residential properties. Whilst the site is currently a communal garden a smaller facility is to be provided within the site for existing residents. The proposal is within walking distance of Malton Road, which is well served by non-car modes of transport. It is therefore considered that the proposal meets with criterion a and b of Policy H4a.

Policy H4a also requires that proposals are of an appropriate scale and density to surrounding development and would not have a detrimental impact on existing landscape features. The proposed dwellings will be two storeys in height and be of a similar design, scale and appearance as the existing properties surrounding the site. The dwellings have been positioned to respect the current topography of the site with plots 1-4 staggered in height downwards from east to west. The density of the proposed development will be 25dph and whilst this is lower than the 40dph normally sought in urban locations, it is considered that the proposed density reflects the character and layout of the surrounding area. The proposed scheme is to provide two and three bedroom family houses, which are in demand in this area, and housing by its very nature will result in a lower density than flats. Any increase in the number of dwellings on the site could also have a detrimental impact on the amenities of neighbouring occupiers. For these reasons it is considered that a density of 25dph is appropriate in this instance.

The proposal would result in the loss of a number of semi mature trees on the site and a condition will be attached to any approval requiring a landscape scheme, including replacement tree planting, be submitted for approval prior to the development commencing. It is therefore considered that the proposal meets with criterion c and d of Policy H4a and Policy H5a (Residential Density).

#### 4.2 Highway Safety

The site will be accessed off Morrill Close, an existing residential cul-de-sac. Following consultation with Highways, the site layout has been amended to incorporate pedestrian facilities and a larger turning head, which can accommodate a refuse vehicle. No objections have been raised by Highways with regards to highway safety. Each unit will be provided with off-street car parking to front in line with the Council's car parking standards.

In terms of cycle parking, highways officers have raised concerns in respect of plots 2 and 3, the rear gardens of which are only accessible through the respective houses due to the terraced nature of the block. It would be possible, however, to provide cycle storage for these two plots within a separate building erected within the application site a reasonably short distance away from the dwellings, for example along the northern boundary of the site. This could be addressed through the imposition of a condition requiring appropriate details to be submitted.

#### 4.3 Residential Amenity

The proposed dwellings have been positioned within the site so as to maintain space between the proposed dwellings and the existing buildings. The side elevation of Plots 1 to 4 will be located 14 metres from the rear elevation of 24 Ferguson Way and the rear elevations will be 21 metres from the rear elevations of the flats on Theresa Close. The corner of Plots 5 and 6 will be located 6 metres from the blank side elevation of flats 9 to 12 Morrill Close and the blank side elevation of this block will be 12 metres from the rear elevation of 8 Theresa Court. The comments raised by neighbours have been taken into consideration, however given the distances, orientation and finished levels of the proposed dwellings, it is not considered that the development would result in issues of overlooking or overshadowing and the proposal would not therefore be detrimental to the residential amenities of surrounding occupiers.

The scheme proposes 1.8 metre high wooden fencing between the development and surrounding garden areas which will ensure that privacy and residential amenity are maintained.

#### 4.4 Flood Risk

The site is located within Flood Zones 2 and 3 on the Environment Agency Flood Zone Map. Following consultation with the Environment Agency, they refer to the Flood Risk Assessment, which concludes that flooding to properties along South Beck is minimal and that the development should be above any potential flood levels. The study does indicate that drainage in this area is sensitive and that there should be absolutely no increase in surface water run-off into South Beck. A condition is therefore recommended which requires a scheme for surface water run-off limitation to be submitted to and approved by the Local Planning Authority.

#### 4.5 Public Open Space

Although the scheme retains some communal garden areas for the residents of the existing flats, it does not include any on-site public open space. A commuted sum will therefore be sought from the developer for amenity space, play space and sports pitches in line with the guidance contained within 'Committed Sum Payments for Open Space in New Developments' approved by Planning Committee on 26th April 2007. This is calculated at £9,216.

#### 4.6 Sustainability

The Housing Development Manager states that the properties will be built by Yorkshire Housing, funded with Social Housing Grant (SHG) from the Housing Corporation. As part of the requirement of receiving SHG the homes must be built to Scheme Development Standards and Ecohomes Very Good, which has influenced the design and aesthetics of the scheme. In these circumstances, it is not considered that a condition requiring the submission of a Sustainable Design and Construction statement is necessary in this instance, as it would duplicate the requirements of the SHG and would impose an additional financial burden on the developer.

#### 4.7 Other Issues

The Planning Panel raised concerns with regards to the loss of a number of trees on the site, a condition will be attached to any approval requiring the submission of a landscaping scheme including replacement tree planting.

### 5.0 CONCLUSION

5.1 Application recommended for approval, subject to conditions.

### COMMITTEE TO VISIT

**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:-

topographical survey P09; site section P10; proposed boundary treatment P07; proposed floor plans - block 1 P03; proposed floor plans - block 2 P04; proposed elevations - block 1 P05; proposed elevations - block 2 P06 all received on 20th November 2008 and; proposed site layout P02; boundary key P08 received on 11th March 2008.

or any plans or details subsequently agreed in writing by the Local Planning Authority as 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 Notwithstanding the boundary treatment details submitted with the application, the development shall not commence until details of all means of enclosure to the site boundaries have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been complete.

Reason: In the interests of the visual amenities of the area.

4 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs to be provided within the site, including replacement tree planting for the trees which are to be removed as part of the scheme. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the 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 alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no door, window or other opening additional to those shown on the approved plans shall at any time be inserted in the side elevations of the properties hereby approved.

Reason: In the interests of the amenities of occupants of adjacent residential properties.

6 HWAY7 Const of Roads & Footways prior to occupation

7 HWAY10 Vehicular areas surfaced, details reqd

8 Notwithstanding the details on the approved plan, prior to the development commencing details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The buildings shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas

shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

9      HWAY19      Car and cycle parking laid out

10     HWAY27      Adoptable road layout to be agreed

11     No gates shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

12     HWAY31      No mud on highway during construction

13     The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same;

Details of accommodation works within Morritt Close necessary to link site road with existing adopted public highway.

Reason: In the interests of the safe and free passage of highway users.

14     Development shall not commence until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved scheme has been implemented.

Reason: To prevent the increased risk of flooding.

15     The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interests of satisfactory and sustainable drainage.

16     No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences.

Reason: To ensure that the site is properly drained and surface water is not discharged to the foul sewerage which will prevent overloading.

17     No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and by the Local Planning Authority.

Unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

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

18 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 L1c of the Development Control Local Plan which requires that all new housing sites make provision for the open space needs of future occupiers.

**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 £9216.

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.

19 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 8.6 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: to establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

**7.0 INFORMATIVES:  
Notes to Applicant**

**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 housing, amenity and highway safety. As such the proposal complies with Policies GP1, GP4a, H4a, H5a and L1c of the City of York Draft Local Plan.



2. If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a remediation scheme to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

3. 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, 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.

#### 4. 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:

Adoption of highway (section 38) and works in the highway (section 278) Mr Kitchen 01904 551336.

5. It is pointed out that surface water drainage in this area is extremely sensitive. The

Environment Agency have stated that there should be no increase in surface water run-off into South Beck, whilst Yorkshire Water have indicated that the local public sewer network does not have capacity to accept any discharge of surface water from the site. Sustainable Drainage Systems (SUDS), for example the use of soakaways and/or permeable hardstanding, may be a suitable alternative solution for surface water disposal in this situation. Attention is drawn to conditions 14 - 17 inclusive on this Decision Notice referring to drainage.

**Contact details:**

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