

## COMMITTEE REPORT

**Committee:** West/Centre Area      **Ward:** Acomb  
**Date:** 17 April 2008      **Parish:** Acomb Planning Panel

**Reference:** 08/00159/FULM  
**Application at:** Site Lying To The Rear Of 1 To 9 Beckfield Lane York  
**For:** Erection of 12no. two storey semi-detached and terraced houses and 4no. garages  
**By:** Hogg Builders (York) Ltd  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 25 April 2008

### 1.0 PROPOSAL

1.0.1 Planning permission is sought for the erection of 12 dwellings to the rear of 1 – 9 Beckfield Lane (odd numbers). Single detached garages are proposed for plots 10 and 12 with an additional car-park space to the front of each property. A pair of detached garages is proposed for plots 8 and 9 with an additional car-park space to the front of each garage. 2 car-parking spaces are proposed to the front of the remaining plots (1,2 and 7). Single car-parking spaces are proposed to the front of 3, 4, 5, 6 and 11.

1.0.2 2 House types are proposed for this site, Easington and Kilnwick. Both house types are 2-storey. The Easington house type is slightly larger than the Kilnwick. The Easington measures 8.70 m length x 5.60 m in width x 5.10m in height to eaves level and 8.30 m in height to ridge level. The Easington is also set (approximately) 200 mm higher above ground level than the Kilnwick. The Easington consists of a kitchen/dining room, sitting room w.c., hall and store on the ground floor and 3 bedrooms (one master bedroom with en-suite) and a communal bathroom on the first floor.

1.0.3 The Kilnwick house type measures 7.70 m in length x 5.30 m in width x 5.10 to eaves level and 8.00 m to ridge level. This property is a 2 bedroom dwelling which provides a lounge a dinning room, kitchen, w.c. and hallway on the ground floor and 2 bedrooms with a communal bathroom at first floor level.

1.0.4 The proposed access to the site is from Runswick Avenue. This small plot of land was previously used as informal amenity open space by residents of Runswick Avenue. The land was also maintained by the Council for approximately 26 years. The Council does not own this land. This issue is discussed further in section 1.2 and 4.11.

1.0.5 The access road and internal roadway, which is proposed adjacent the boundary of the site and the rear gardens of Runswick Avenue. 1.80 m high acoustic fencing is proposed adjacent this boundary to reduce the noise intrusion from vehicles using the estate road/access road.

1.0.6 The proposed scheme involves the removal of approximately 19 trees. These trees range in species and maturity. Nearly half of the trees are located within the centre of the site. However 9 trees are close to the boundary of properties within Runswick Avenue and 2 mature trees are close to the boundary with properties in Wetherby Road. 2 protected trees abut the site to Wetherby Road boundary. These are outside the curtilage of the site.

1.0.9 It should be noted that the applicants have amended this scheme from the originally submitted version. Amendments have been made to car-parking arrangements and the internal roadway. Further information has also been submitted concerning drainage of the site.

## 1.1 SITE

1.1.1 The overall area of this proposed site is approximately 0.289 ha. The site is principally made up from private rear gardens belonging to 1- 9 Beckfield Lane (odd numbers only). The access to the proposed site is gained from Runswick Avenue. The site is bounded by dwellings to all boundaries. To the north and east is Runswick Avenue, to the south is Wetherby Road and to the west is Beckfield Lane.

1.1.2 The site contains 24 trees. 13 of these trees are fruit trees and are relatively small in height. However there are a number of mature trees within the site which can be seen from the public realm, i.e. Runswick Avenue, Beckfield Lane and Wetherby Road. The larger more mature trees range in species from pine, birch, hawthorn, blackthorn and a number of ornamental species.

## 1.2 SURROUNDING AREA

1.2.1 As previously mentioned the proposed site is bounded by dwellings to all boundaries. Runswick Avenue consists of predominantly 1 style of semi-detached bungalow, although no.18 is a detached bungalow. Planning permission has been granted for dormer extensions to no.'s 18 and 44. A number of bungalows have also been extended at the rear. The private rear gardens of these properties are approximately 6.00 m in depth.

1.2.2 Dwellings within Wetherby Road are 2-storey in height. Their gardens range in length from approximately 35.00 m for no.19 to 50.00 m for no.7. Dwellings within Beckfield lane are also 2-storey in height. Gardens to these properties are exceptionally long in comparison with the general area and measure approximately 105 m. It is proposed to reduce the length of the gardens to approximately 25.00 m to accommodate this scheme.

1.2.3 Close to the site and adjacent the junction of Runswick Avenue and Beckfield Lane is a small cluster of shops, comprising of a hairdressers, delicatessen and a mini-supermarket. Additional services are located further along Beckfield Lane.

## 1.3 HISTORY

1.3.1 There is no previous planning history for most of this site. An enforcement case (07/00289/EXT) was raised in May 2007, regarding the fencing off of land in Runswick Avenue (the access to the site). The Council's Legal Department is currently looking into this matter. The Council does not own the land. The Council's legal department have written to the solicitors, who they believe are acting on behalf of the owner of the land. No response has been received as yet.

## 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:

CYSP6

Location strategy

CYGP1

Design

CYGP3

Planning against crime

CYGP4A

Sustainability

CYGP7

Open Space

CYGP9

Landscaping

CYGP15

Protection from flooding

CYNE1

Trees, woodlands, hedgerows

CYT4

Cycle parking standards

CYH3C  
Mix of Dwellings on Housing Site

CYH4A  
Housing Windfalls

CYH5A  
Residential Density

CYL1C  
Provision of New Open Space in Development

### **3.0 CONSULTATIONS**

#### **3.1 INTERNAL**

##### **COUNCILLOR CORRESPONDENCE**

3.1.1 Cllr Simpson-Laing commented on behalf of a number of residents of Runswick Avenue. She commented that the residents of Runswick Avenue are among the more mature residents of Acomb Ward. Many of the residents choose to live in Runswick Avenue due to its closeness to shops and bus routes. They also choose the area due to its quietness, location and private gardens. The outlook is also another reason why people move to Runswick Avenue. The established trees and vegetation which is adjacent the residents' rear gardens provide additional amenity. Residents are also concerned about the loss of the area of open space (proposed access to the development) as this is a much valued amenity area and should not be ripped up to provide an access road.

3.1.2 With regard to the scheme layout, Cllr Simpson-Laing commented that the plan submitted is incorrect. This gives an inaccurate view of the separation distances between the existing dwellings and the proposed development. A number of properties have been extended, e.g. no.18 has a conservatory. The separation distance between this property and the plots 2, 3 and 4 is only 18.00m. Other points raised were:-

##### **3.1.3 Layout of the scheme**

- The garage for plot 12 is less than 8.00 m from no 28 Runswick Avenue's boundary;
- Bungalows opposite plots 9 and 10 are less than 21.00 m away. There is also a difference in land levels between the site and existing dwellings in Runswick Avenue;
- The proposed acoustic fence is higher than the current boundary hedge adjacent the majority of bungalows in Runswick Avenue, concern has been raised about future maintenance of the fence;
- Even taking account separation distances, which in some cases reach or exceed 21.00m and the acoustic fence, the fact that the proposed

- dwellings are 2-storey in height and the existing dwellings within Runswick Avenue are bungalows they will be overlooked; and
- The area of land which has been fenced off by Hogg's, with the intention of being used as the access to the site, was an amenity area for the residents of Runswick Avenue.

#### 3.1.4 Traffic concerns

- There are already issues of traffic and parking congestion within Runswick Avenue, principally from deliveries to the shops. This proposal will add significantly to this problem. The applicants have also not indicated the accesses and parking arrangements to the North of Runswick Avenue, therefore not giving a true picture of the development;
- The design of the internal layout of the scheme is car-dominated and would be such that pedestrian movements would be awkward, the turning head is also inappropriate; and
- Although there is a 1.80 m fence separating the proposed development from existing residents within Runswick Avenue, concerns have raised regarding traffic noise and fumes.

#### 3.1.5 Environmental matters

- **Trees** - The application proposes the removal of a number a trees which greatly add to the amenity of the area;
- **Drainage** - The proposed site is higher than a number of bungalows within Runswick Avenue and currently natural land drainage through seepage will be lost when the large areas of the site is hard surfaced;
- **Wildlife** – There appears to have been no consideration taken regarding impact upon wildlife. Wildlife habitat will be lost due to removal of trees etc. If permission is granted a condition should be imposed protecting existing hedgerows (as within the remit of the Wildlife and Countryside Act). A study should be also undertaken to record the wildlife species in the area;
- **Noise pollution** – The proposed development will be close to the bedrooms of dwellings within Runswick Avenue. Concern has been raised from residents regarding noise intrusion from vehicular movements and other associated coming and goings from the site.

3.1.6 Lastly Cllr Simpson-Laing commented that the development appears unsustainable. The density is also too high and the design of this infill development is not in keeping with Runswick Avenue. The applicant has also not taken into account existing residents views with regard to the proposed heights of the scheme. Bungalows would most likely be more acceptable form of development instead of 2-storey dwellings.

#### HIGHWAY NETWORK MANAGEMENT (HNM)

3.1.7 The HNM officer commented that the application originally provided too many car-parking spaces. City of York standards seek 1 space for 2-bed

dwellings and 2 spaces for 3-bed dwellings. The HNM officer also commented that there were a number of technical deficiencies concerning layout of car-park spaces, length of the turning head and length of plot 5's drive. The officer further commented that Highways would seek a commuted sum of £3000 to promote accessibility and sustainable travel. The fee would provide for Kessel kerbs for the outbound bus stop opposite 9 Beckfield Lane and a BLISS display.

3.1.8 Amended plans were received on 3<sup>rd</sup> March in light of the comments raised by the Officer. She was re-consulted on the amendments and commented that the widths and sightlines of the access are acceptable and accord with the relevant highway guidelines.

3.1.9 The internal layout will be designed/constructed to an adoptable standard and offered for adoption under a S38 Agreement of the 1980 Highway Authority. Parking and turning within the site has also now been proposed in accordance with highway standards.

3.1.10 The officer further commented that, from judging the scheme against historical data the development would generate approximately 7 vehicular movements at peak hours. Such a level of traffic is not expected to have a material impact on the surrounding highway network. The officer also confirms that site is well serviced by public transport and local facilities are within a short distance.

3.1.11 Finally the officer has sought agreement, from the applicant, for improvements to adjacent bus stops. The officer sought Kassel Kerbs for the outbound bus stop opposite No. 9 Beckfield Lane and BLISS bus real time display Inbound outside No. 19 Beckfield Lane. The applicant has not commented upon these requests. As a consequence the officer has recommended that should the application be approved, these improvements should be secured by condition.

#### COUNTRYSIDE OFFICER

3.1.12 Back gardens of this nature form very good green wedges within the urban area. Development of this site would reduce the overall greenness of the area and decrease the porosity of the urban area for wildlife.

#### ENGINEERING CONSULTANCY

3.1.13 The drainage engineer commented that the development is in low risk Flood Zone 1 and will not suffer from river flooding. However the officer objects to the proposed development, on the grounds that insufficient information has been provided by the developer to determine the potential impact the proposals may have on the existing drainage systems.

3.1.14 The officer commented that the whole of the site isn't drained. Therefore all water run-off from the development (impermeable areas) would

be an addition into the sewerage system. As a consequence the officer sought confirmation on the following:-

- Any attenuation system must be provided and then adopted and maintained by Yorkshire Water. Also storage/control devices should be located within the adopted highway;
- Restricted discharge rates should be provided to prevent flooding;
- Hydraulic modelling details of water storage for a 1:30 storm and confirmation that it can be connected into the public sewer system should be provided;
- Finished floor levels and ground levels should be provided, along with cross-sections through the site, to ensure that adjacent neighbours would not be detrimentally affected by the proposed development;
- The development should not be raised above the level of the adjacent land, to prevent water run-off from the site; and additional surface water should be connected to the public surface water sewer in Runswick Avenue.

3.1.15 Additional information was received in light of the officer's comments and forwarded for comment. No response has been received as yet. A verbal update will be given at committee.

#### LIFE LONG LEARNING AND CULTURE (LLL)

3.1.16 The LLL officer commented that as there is no on-site open space commuted sums should be paid to the Council.

#### CITY DEVELOPMENT

3.1.17 The city development officer highlighted relevant policies which are applicable to this development. The officer commented that the proposed scheme approximates to 41 dwpha. The density is marginally higher than the recommended density stated in policy H5a. The development should also satisfy policy GP4a in terms of sustainability. The proposed homes should meet the code for sustainable homes level 3.

#### ENVIRONMENTAL PROTECTION UNIT (EPU)

3.1.18 The Environmental Protection Unit raise no objection to the application but advise the imposition of conditions relating to recommended hours for carrying out construction work, contaminated material and an informative relating to the carrying out of works on site.

#### LANDSCAPE ARCHITECT

3.1.19 The officer states that there are a number of sizeable mature trees within the site, principally beech, birch and pine. Trees in rear gardens and the street, play a very important role within Acomb between Beckfield Lane and Carr Lane. Trees add greatly to the amenity of this area. Whilst many of the trees are not obvious individuals in full view, cumulatively they significantly

add to ambience and character of the area. If this scheme were approved it would deplete this tree stock and the open area associated with it, to the detriment of the area.

3.1.20 The trees are most visible from gaps between buildings, especially from the proposed access to the site. However they also form a green backdrop to Runswick Avenue which have very small rear gardens. The birches and particularly the pine can be seen from Beckfield Lane, Wetherby Road and Danebury Drive.

3.1.21 The officer considers that this scheme will have a detrimental impact upon the character of the area. Large spatial gardens will be exchanged for tightly packed dwellings, which will be obvious from surrounding streets due to the loss of the mature trees but in particular from Runswick Avenue. Vegetation and greenness will be replaced with a taller denser residential scheme.

3.1.22 She further comments that housing densities alone cannot be considered on their own. Paragraph 16 of PPS3 also identifies the importance of trees and recognises that their removal can have a further negative effect upon climate change. Their removal would also impact upon the bio-diversity within this suburban area. As a consequence the proposal constitutes over-development of the site.

3.1.23 In addition, the officer considers that the provision of 2 car-parking spaces per dwelling is excessive. The car parking, viewed in conjunction with the estate road, will lead to a hard featureless frontage (in effect 12.00 m of paving). The thin strips of planting proposed would have a minimal benefit in terms of amenity and would not compensate for the loss of the mature trees and vegetation.

3.1.24 The erection of the acoustic fence would necessitate the removal of the existing boundary hedging, resulting in further loss to the natural environment and amenity that it contributes to the area and adjacent neighbours in contradiction to Local Plan policy NE1, which seeks to retain and protect trees. The scheme is also contrary to policy GP1 and GP10 of the city's Local Plan as it does not enhance the local environment and does not avoid the loss of features (trees) that contribute to the local environment. Nor does the scheme enhance natural areas and landscape as required by policy GP4a of the Local Plan or protect existing landscape features as required by policy H4a.

3.1.25 Finally the officer comments that plots 1-4 would impinge upon 2 protected trees adjacent the site. The officer completely disagrees with the submitted Design and Access Statement which states that full information has been provided in accordance with B.S. 5837:2005, particularly in that it does not consider the amenity value of the trees, nor give them a grading of tree quality. The report submitted identifies that some trees are worth retaining. The only threat to their long term retention is this development.



## EDUCATION OFFICER

3.1.26 The education officer advises that should the application be approved, a contribution of £31,944 should be provided. The money would help provide for Carr Infant School and York High.

## 3.2 EXTERNAL

### ACOMB PLANNING PANEL

The panel objected to the proposed scheme on the grounds that:-

- The proposed development should be single storey in height to fit in with Runswick Avenue;
- The proposed 2-storey dwellings would overlook bungalows within Runswick Avenue. Overlooking would also be exacerbated due to difference in land levels. Plots 8 and 9 would also overlook properties in Wetherby Road;
- The proposal does not comply with policy GP1;
- The design and access statement is misleading. Whilst it claims that separation distances between the proposed development and existing properties will be overlooked. The statement also incorrectly states that the development maintains the established pattern of 2-storey development within the surrounding area;
- The access to the proposed scheme removes open space which has been used by the residents of Runswick Avenue. The land was left as children's play space by the original developer of Runswick Avenue. The ownership of this land is also in question;
- The traffic statement takes no account of serious congestion caused by vehicles parked on either side of Runswick Avenue especially adjacent the nearby mini-supermarket and shops. Delivery trucks constantly use Runswick Avenue to turn, after delivering to the supermarket.
- Finally the panel suggested various conditions, should approval be granted, concerning hours of work, parking, storage of materials and methods of site clearance.

### MARSTON MOOR and FOSS INTERNAL DRAINAGE BOARD

3.2.2 The board raised no objections to this application. However they stated that the proposed method of surface water disposal is to Carr Drain, a culverted watercourse that the Board believes does not have any spare capacity. They advise that before any additional discharge can be accommodated within this watercourse, proof that the site currently discharges into the watercourse and also the rate at which it discharges, should be provided.

3.2.3 In addition the board recommended the imposition of a number of conditions concerning scheme for water regulation, drainage routes, reduction of flood risk and minimum development standards for this brownfield site.

3.2.4 Additional information was submitted on the 3<sup>rd</sup> March concerning the Boards comments. Both boards commented that the applicants have stated that they propose to discharge the same flow into Carr drain that currently is discharged from a length of highway. Both boards asked for further clarification of this point. They commented that, if the Council were satisfied that the existing highway discharge rate could be substituted, to provide a possible discharge rate for the applicant to utilise, then they would accept this. If the Council does not accept this proposition, the boards advise that an alternative scheme should be submitted.

## NEIGHBOUR LETTERS, SITE AND PRESS NOTICE

3.2.5 Letters from or on behalf of 32 local residents have been received raising objections to the original plans on the following grounds:

- Hogg the builders have proceeded with this development without consulting neighbours who would be affected. In particular they fenced off an area of open space adjacent to 18 Runswick Avenue without notifying or consulting residents;
- The development is too close to properties in Runswick Avenue. The 2-storey properties in particular would be significantly higher than the bungalows within the Avenue. The development would also create a new imposing outlook of a housing development as opposed to the existing natural green area;
- The development, if approved, will remove numerous mature trees and vegetation, which will be to the detriment of the area. Also the proposed replacement landscaping is inadequate and this would impact upon local wildlife. The Arboricultural report submitted with the application states that some trees are worthy of retention;
- There is already significant parking congestion within Runswick Avenue. This scheme will worsen this situation;
- The proposed scheme does not satisfy the requirements of Local Plan policy GP1 as it is not of a density, layout, scale and design appropriate to the character of the area. Residents would also be affected by noise, disturbance, overlooking, overshadowing and would be dominated by overbearing structures;
- If development were approved for this site, it should be for bungalows only;
- The acoustic fence is inadequate. Land levels are significantly different between the proposed and existing dwellings within Runswick Avenue. A 1.80 m high fence within the site would be of a significantly lesser height to most adjacent dwellings in Runswick Avenue. The fence would also create issues of maintenance and security. It would be preferable, subject to planning approval, that a brick wall is built instead, which would should be 1.80 m in height on the side of properties within Runswick Avenue. Finally there is a gap in the fencing between 30 Runswick Avenue and 38. This is not acceptable for security reasons;
- The access to the site is situated at a very congested point within Runswick Avenue. Such an arrangement would lead to further traffic congestion and disruption to existing residents within the area;

- The development would overlook private rear gardens of properties within Wetherby Road;
- When Runswick Avenue was originally constructed in 1965 the plot of land, where the access is proposed, was dedicated as an area of public open space. The Council has also maintained the land for approximately 26 years;
- There is a significant difference in land levels which would exacerbate overlooking from the proposed 2-storey dwellings onto dwellings within Runswick Avenue. This difference in land levels would also exacerbate the imposing nature of the proposed dwellings, especially towards 38, 40 and 42 Runswick Avenue;
- The development would reduce security to adjacent neighbours gardens as access would be made easier by this development;
- Construction traffic would cause additional noise and disturbance to local residents and also add to traffic congestion;
- There are more appropriate sites within York that should be developed;
- Drainage runs along the proposed access way to the site. It would create problems if the land were developed for access;
- The existing drainage within the area is inadequate and would not be able to cope with this proposed development;
- No.9 and 11 Runswick Avenue will be affected by comings and goings into the site, especially during evenings and night-times, when car lights will shine in their houses;
- The access road/estate road will be approximately 6.00 m from 18 – 32 Runswick Avenue (even numbers). Such an arrangement would cause significant harm to these residents, especially considering they would be hemmed in by roads on either side;
- The local plan carries considerable weight which has been recognised by appeal Inspectors. The applicants statement that the plan carries little weight is incorrect;
- There is only 18.50 metres between plots 9-12 and 38, 40 and 42 Runswick Avenue. This is inappropriate and fails to satisfy Council guidelines with regard to separation distances;
- The area of open land should be classified as open space and is not therefore suitable for development. PPS3 seeks to preserve such land.

3.2.6 1 letter of support has been received from the owners of 1 of Beckfield lane. They are part of the group of residents who wish to sell part of their garden to Hogg's, for the proposed development. They commented that:-

- The garden area which is proposed for development is not amenity area, it is private land. Neighbours have no access rights to the land;
- The land costs a lot to maintain;
- Residents of Runswick Avenue have complained that the site encourages vermin;
- The land is sandy and so objections on the grounds of water run-off are unfounded;
- The traffic congestion by the nearby mini-supermarket is offset by the close proximity of such an amenity;

- Traffic congestion would be reduced if residents in Runswick Avenue, parked their cars within their allocated car-parking spaces and not on the road;
- The new development will be carried out with sensitivity; and
- Runswick Avenue was built in the 1960s and altered the existing view of the area. The new housing was welcomed as providing accommodation for people in the local community. This development should be treated the same.

## 4.0 APPRAISAL

### 4.1 KEY ISSUES

- Planning policy;
- Principle of development;
- Density;
- Design and layout;
- Impact upon residents amenity;
- Highways;
- Landscaping;
- Affordable housing;
- Flood risk and drainage;
- History of the site
- Open Space
- Sustainability

### 4.2 PLANNING POLICY

4.2.1 PPS1: Planning for Sustainable Development sets out the Government's national policies on different aspects of land use planning in England. PPS1 sets out the overarching planning policies on the delivery of sustainable development through the planning system. 'The planning System: General Principles', the companion document to PPS1, advises the importance of amenity as an issue. Enhancement of the natural and historic environment, the quality of and character of existing communities is also encouraged through this document.

4.2.2 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.

4.2.3 The key policies in PPS3 are:

- Local authorities will need to identify more appropriate sites for housing
  - Councils need to plan 15 years ahead, to ensure they have a rolling 5-year supply of sustainable and deliverable sites, in order to prevent

much needed new homes being held up by unnecessary delays in the planning process.

- Stronger emphasis on improving the quality of design of housing and Neighbourhoods - PPS3 makes it clear that local authorities should turn down poor quality applications.
- Stronger environmental standards - Developers and planning bodies will have to take account of the need to cut carbon emissions as well as wider environmental and sustainability considerations when siting and designing new homes. PPS3 and the new Code for Sustainable Homes will set out further details including plans to move towards zero carbon development to reduce carbon emissions.
- New emphasis on family homes - For the first time the planning system will be required to consider the housing needs of children, including gardens, play areas and green spaces. Local authorities will have more ability to promote mixed communities and to ensure larger homes are being developed alongside flats and smaller homes.
- A continuing focus on brownfield land - Retaining the national target that at least 60 per cent of new homes should be built on brownfield land.
- More flexibility for local authorities to determine how and where new homes should be built in their area, alongside greater responsibility to ensure the homes are built - Local authorities can set their own local standards for density (with a national indicative minimum of 30 dwellings per hectare) and for car parking.
- Stronger policies on affordable housing are encouraged.

#### 4.2.4 With relevance to this application, PPS3 seeks:-

- An examination of the current and future level and capacity of infrastructure, services and facilities including, in particular, green and open space (paragraph 46);
- Development plans and development control policies must consider the character of the area, including the availability of private and public open space and landscaping (paragraph 46);
- A range of housing densities considered most appropriate for their area (paragraph 47);
- Densities below the preferred minimum of 30 dwph (dwellings per hectare) may be included if justified (paragraph 47);
- Intensification of development is not always appropriate (paragraph 49);
- Where intensification of an area is proposed, good detailed design and layout is very important (paragraph 49);
- It must not be presumed by either the local authority or the developer that all land that was previously developed is not necessarily suitable for housing development nor that the whole of the curtilage should be developed (Annex B – description of “previously developed land”).

#### 4.2.5 PPG25 Development and Flood Risk: This PPG explains how flood risk should be considered at all stages of the planning and development process.

It sets out the importance of the management and reduction of flood risk in planning, acting on a precautionary basis and taking account of climate change.

4.2.6 Policy SP6 'Location Strategy' of the City of York Local Plan Deposit Draft sets out a location strategy for developing brownfield land within the urban area of the city sequentially before urban extensions; surrounding settlements; selected public transport corridors; and lastly Greenfield sites.

4.2.7 Policy GP1 'Design' of the City of York Local Plan Deposit Draft includes the expectation that development proposals will: respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, using 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.

4.2.8 Policy GP3 'Planning Against Crime' of the City of York Local Plan Deposit Draft requires that new development should, where deemed appropriate, to incorporate crime prevention measures to achieve: a) natural surveillance of public spaces and paths from existing or proposed development; and b) secure locations for any associated car and cycle parking; and c) satisfactory lighting; and d) provision of CCTV, where the proposal would include the consumption of alcohol or the congregation of large crowds or would contribute to a significant increase in traffic, pedestrian activity, or the parking of significant numbers of vehicles.

4.2.9 Supporting text of this policy further states that the principle of reducing opportunities for crime by means of careful design of buildings and the spaces between them is widely acknowledged (e.g. PPG1) and is capable of being a material planning consideration. Circular 5/94 (Planning Out Crime) outlines that the type of environment created by development can be closely related to the causes of crime and violence. Attractive, well-managed and vibrant environments that are designed to take into account the security of residents and property can help to reduce the potential for crime. The variation and mix of different land uses in the same vicinity can also go some way to create environments that are lively and well used, especially in the evenings.

4.2.10 Policy GP4a 'Sustainability' of the City of York Local Plan Deposit Draft requires proposals for all development should have regard to the principles of sustainable development. All residential developments will be required to be accompanied by a sustainability statement. The document should describe how the proposal fits with the criteria specified in policy GP4a and will be judged on its suitability in these terms.

4.2.11 Policy GP9 'Landscaping' of the City of York Local Plan Deposit Draft states that where appropriate development proposals will be required to incorporate a suitable landscaping scheme, and this must: a) be planned as an integral part of the proposals; and b) include an appropriate range of

indigenous species; and c) reflect the character of the locality and surrounding development; and d) form a long term edge to developments adjoining or in open countryside.

4.2.12 Policy GP10 'Subdivision of Gardens and Infill Development' of the City of York Local Plan (Deposit Draft) encourages the protection of wildlife and setting, suggesting that existing landscape features are incorporated into the scheme or compensated for elsewhere should their removal be required.

4.2.13 Policy GP15a 'Development and Flood Risk' of the City of York Local Plan Deposit Draft states that there will be a presumption against built development (except for essential infrastructure) within the functional floodplain outside existing settlement limits. The use of sustainable drainage systems to mimic natural drainage will be encouraged in all new developments in order to reduce surface water run-off. Discharges from new development should not exceed the capacity of existing and proposed receiving sewers and watercourses and long term run-off from development sites should always be less than the level of pre development rainfall run-off.

4.2.14 Policy NE1 'Trees, Woodlands and Hedgerows' of the City of York Local Plan Deposit Draft states that trees which are of landscape or amenity value will be protected by refusing development proposals which will result in their loss or damage. Trees or hedgerows which are being retained on development sites should also be adequately protected during any site works. All proposals to remove trees or hedgerows will be required to include a site survey indicating the relative merits of individual specimens. An undertaking will also be required that appropriate replacement planting with locally indigenous species will take place to mitigate against the loss of any existing trees or hedgerows. Developments should make proper provision for the planting of new trees and other vegetation including significant highway verges as part of any landscaping scheme.

4.2.15 Policy T4 'Cycle Parking Standards' of the City of York Local Plan Deposit Draft requires that all new developments provide adequate cycle parking provision. In the case of affordable housing or dwellings without a garage this should be 1 covered space per ½ bedroom dwelling. For dwellings with garages the requirement is the same but cycle parking provision could be accommodated within the garage depending upon the garage size.

4.2.16 Policy H3c 'Mix of Dwellings on Housing Sites' of the City of York Local Plan Deposit Draft requires a mix of new house types, sizes and tenures should be provided on all new residential development sites where appropriate to the location and nature of development. Developers will also be encouraged to build new housing to accessible standards (in accordance to Building Regulations) with negotiation on a proportion of dwellings having full wheelchair access.

4.2.17 Policy H4a 'Housing Windfalls ' of the City of York Local Plan (Deposit Draft) suggests that a proposals for residential development on land within the

urban area would be a acceptable, where "the site is within the urban area and is vacant, derelict or underused or it involves infilling, redevelopment or conversion of existing buildings." However, any development must be of an appropriate design and must be sustainable e.g. good links to jobs, shops and services.

4.2.18 Policy H5a 'Residential Density' of the City of York Local Plan Deposit Draft requires 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/ha in the city centre; 40 dwellings/ha in the urban areas and 30 dwellings/hectare elsewhere in the City of York.

4.2.19 Policy L1c 'Provision of New Open Space in Development' of the City of York Local Plan (Deposit Draft) requires proposals for less than 10 dwellings to contribute towards the provision of open space (including sport, amenity and children's play provision) by way of a commuted sum.

### 4.3 PRINCIPLE OF DEVELOPMENT

4.3.1 The site lies within the defined settlement boundary of York. Apart from the site being located within flood zone 1, there are no other relevant statutory constraints i.e. Conservation Area. Central Government guidance regarding new housing is contained within PPS3 (Housing), policies SP6, H4a and H5a of the Draft Local Plan are also relevant. The key aim of local and national policy is to locate new housing on brownfield land in sustainable locations. PPS3 sets out a sequential test which favours the re-use of previously developed land within urban areas, then urban extensions and finally new development around nodes in good public transport corridors. Policy H4a deals with housing developments within existing settlements and says that permission will be granted within defined settlement limits for new housing developments on land not already allocated on the proposals map, where the site is vacant, derelict or underused land where it involves infilling, redevelopment or conversion of existing buildings. The scheme must be of an appropriate scale and density to surrounding development and should not have a detrimental impact on landscape features. Policy H5a says a density of 40 dwellings per hectare should be achieved on this site subject to the scale and design of the development being compatible with the character of the surrounding area and that there is no harm to local amenity.

4.3.2 Due to the location of the site and its proximity to local facilities and accessibility, it is considered to be a sustainable location and therefore acceptable in principle. However there are other matters of concern regarding this site which are discussed below.

### 4.4 DENSITY



4.4.1 The site layout plan illustrates 12 dwellings on the site. This equates to a density of 41 dwellings per hectare (dwpha). This exceeds the 30 dwpha PPS3 advises. However Council policy regarding build densities (policy H5a) states that net residential densities of 40 dwpha are acceptable within urban areas.

4.4.2 In terms of density of development and spatial relationships within the existing neighbourhood, Local Plan Policy H5a also requires new housing development to relate well to the surrounding area, avoid detrimental impact upon the amenities of adjacent neighbours and provide adequate garaging and car parking. Though this policy predates PPS3, it continues to relate well with government guidance, which advises in paragraph 16, that development should be well integrated with and compliment neighbouring buildings and the locality in terms of scale, density character and layout. This guidance also advises, in paragraph 46, that development has regard to the characteristics of the area and, in paragraph 49 advises that more intensive development is not always appropriate.

4.4.3 This proposal would not usually be regarded as a dense development within an urban area, as it seemingly satisfies the relevant policy requirements. In addition PPS3 advises that high density development, in itself should not be a reason to refuse permission. Paragraph 49 of PPS3 advises that whilst intensive development is not always appropriate, when well designed and built in the right location, it can enhance the character and quality of an area. Successful intensification need not mean high rise development or low quality accommodation with inappropriate space.

4.4.4 However due to the constraints of the site (difference in land levels, access, scale and massing of development, the low-rise character of Runswick Avenue and the amenity value the area of open space provides – not only the access way but the site as a whole), the proposal would constitute an overly intensive form of development within this area. It is considered this scheme is out of character, scale and massing of adjacent bungalows situated in Runswick Avenue. Particularly as bungalows bound the site to 2 sides of the site and is the street where the development could be principally viewed from. The proposed site would also suffer a significant reduction in its planted area and trees, due to the erection of the proposed dwellings, access and estate road, car-parking spaces and turning areas. The properties along Runswick Avenue are also modest in size and scale and are situated on small plots. As a consequence the introduction of 12, 2-storey properties within this site is considered an overdevelopment within this aforementioned context. The scheme is therefore contrary to the requirements of Policy H5a which requires that the scale and design of proposed residential developments should be compatible with the character of the surrounding area.

## 4.5 DESIGN AND LAYOUT

4.5.1 Paragraph 16 of PPS3 states that schemes should be well integrated with and complement the neighbouring buildings and the local area more

generally in terms of scale, density, layout and access. Paragraph 33 of PPS1 states that good design ensures attractive usable, durable and adaptable places and is a key element in achieving sustainable development. Good design is indivisible from good planning. Paragraph 33 also states that Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. Policy GP1 and GP10 of the Local Plan requires development to be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces

4.5.2 Information which has been submitted by the applicants to justify the design of this scheme, states that the development is appropriate to the area and could be easily absorbed. Furthermore they say that the public realm is restricted to the internal road of the development and through the orientation and density of the development, the scheme connects to the surrounding built fabric. The applicants also consider that the scheme has been designed to accommodate further extension of dwellings.

4.5.3 Better Places To Live by Design: A Companion Guide to PPG3<sup>1</sup> states that developments should be tailored to reflect their surroundings and not use standard house types and layout forms. This document seeks applicants to quantify the architecture of the scheme and its space planning and asks the question does the scheme create a distinctive quality place? Left over or incoherent space is also identified as detracting from the quality of a scheme.

4.5.4 Paragraph 17 of PPS3, supports this document by identifying that particularly where family housing is proposed, it will be important to ensure that the needs of children are taken into account and that there is good provision of recreational areas, including private gardens, play areas and informal play space. These should be well designed, safe, secure and stimulating areas with safe pedestrian access.

4.5.5 The scheme appears to have designed to maximise the number of dwellings within the site without taking into account the character of the scheme, existing neighbours' amenity or the character of the area. The proposal is considered unacceptable as it fails to satisfy the requirements of PPS1 and PPS3 and also local plan policies GP1 and GP10.

## 4.6 IMPACT ON RESIDENTS AMENITY

4.6.1 Objections have also been received from residents in Runswick Avenue with regard to loss of outlook, light, shading and overlooking. The applicants state that the layout ensures adequate separation distances which would not impact upon existing residents amenity. Furthermore they believe the scheme has been designed to allow for the houses to be extended in the future.

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<sup>1</sup> PPG3 has been cancelled, PPS3 superseded this document in April 2007. However the companion guide is still classified as a material document.

4.6.2 The applicants further state that the site is relatively level throughout. This statement is incorrect and misleading. There is a fall in land levels of about 3.00 m from the existing site levels to 38, 40 and 42 Runswick Avenue. These residents have objected to the position of plots 9, 10, 11 and 12 as they overlook them. The separation distance is approximately 20.00m. Whilst 20.00 m separate distance is generally acceptable, due to the significant difference in land levels between the existing and proposed site, it is considered that this arrangement is unacceptable and would lead to an un-neighbourly arrangement which would be overbearing to no's 38, 40 and 42 and would overlook significantly overlook their rear private gardens and principal living rooms.

4.6.3 The access arrangement and internal road are also an area of concern particularly in terms of impact upon existing residents amenity. It is considered that unacceptable levels of intrusion would affect the amenity of 9 and 11 Runswick Avenue, in terms of vehicles entering and leaving the site. This intrusion would principally be caused from vehicle lights but also noise disturbance. In addition it is considered that noise intrusion would seriously impact upon the amenity of 18 – 30 Runswick Avenue (even numbers). The internal roadway, which is to be built to an adoptable standard, directly abuts their rear boundaries. As the gardens to these dwellings are only 6.00 m in length, it is considered that the significant intrusion would be created in terms of noise and light intrusion from vehicular movement, i.e. from comings and goings within the site.

## 4.7 HIGHWAYS

4.7.1 Concerns have been raised from local residents regarding traffic congestion and road safety, especially where the proposed access is proposed. The applicants state that the access road was chosen to provide the safest means of access and egress from the site, as demonstrated by the accompanying transport assessment.

4.7.2 Whilst the author of this report has concerns regarding amenity issues concerning development. No objection has been raised by the Council's Highway Network Management department in terms of impact upon the highway network. In planning terms, it is considered that the scheme would have an impact upon some residents' amenity, in terms of noise nuisance created by traffic movements generated by the site. These concerns have previously been addressed in section 4.6. In terms of vehicular movements the Highways engineer considers that the site will create approximately 7 vehicle movements at peak hours. Such a level is considered acceptable and would not impact upon the road network to such a degree as to warrant refusal or even require traffic mitigation measures.

4.7.3 With regards to complaints about existing traffic congestion, the HNM officer informally commented that these issues cannot be considered as part of this application. A traffic regulation order could possibly be applied to Runswick Avenue, to restrict the weight of vehicles allowed access to Runswick Avenue. This could prevent delivery lorries using Runswick Avenue

and Staithes Close as a turning area. The officer also commented that the adjacent retail premises and the proposed site are not sited directly opposite. There is a reasonable distance between each development. As a consequence the officer considers that the sites will act independently of each other and would not cause traffic congestion.

#### 4.8 LANDSCAPING

4.8.1 'Better Places To Live by Design' states that the landscape design needs to complement buildings and vice versa. Landform, natural features and their ecology are always important. Trees, shrubs, flowers and grass and their containment require particular attention. The retention and use of existing trees and, on occasion, walls, ramps, steps and hedges can give a sense of maturity and distinction. New planting needs careful and specialised consideration according to locale and practicality. In addition key objectives of PPS1 state in paragraph 36 that Local Planning Authorities should ensure that developments are visually attractive as a result of good architecture and appropriate landscaping.

4.8.2 Comments received from the Council's Landscape Officer raise particular concerns with regard to the landscaping of this proposed scheme. The amenity benefit of the existing trees should be maximised where possible by incorporating them into visible locations such as open spaces or other communal areas such as parking courts. Instead the proposed scheme will have a detrimental impact upon the character of the area by removing all the trees (even mature specimens which the applicants' own arboricultural report identifies add to the amenity of the area) and vegetation and replace with built development.

4.8.3 As a consequence the proposal is contrary to policies NE1, GP1 GP10, GP4a and H4a of the Local Plan and also guidance contained within PPS1 and PPS3.

#### 4.9 AFFORDABLE HOUSING

4.9.1 The proposed scheme falls below the threshold advised in policy HH2a of the Local Plan (0.30 ha in urban area and less than 15 dwellings). As a consequence no provision for affordable housing is required .

#### 4.10 FLOOD RISK AND DRAINAGE

4.10.1 Originally the Drainage Consultancy objected to the applicants proposals due to lack of information. The applicants submitted further technical data addressing drainage of the site. Their conclusion is that the site would not increase flood risk elsewhere. They also confirm that the drainage system will be adopted by Yorkshire Water (including the attenuation device and outfall sewer), that outfall will be restricted to 4 to 5 litres per second, that an allowance of 20% will be added to the storage volume to allow for climate change and that run-off will be captured and diverted into the sites drainage system via roof and patio areas. The Internal Drainage Board and the

Drainage Consultancy have been re-consulted on this additional information. No comment has been received thus far. A verbal update will be given at committee.

#### 4.11 HISTORY OF THE SITE

4.11.1 The Council has carried out a historical search of the site. It can be confirmed that the Council do not own the site. Land registry searches have confirmed there is no registered owner of the site. The Council's legal department is continuing to investigate this matter.

4.11.2 In instances of adverse possession (adverse means without consent) of unregistered land, a claimant has to show that

- The previous owner hasn't been dispossessed;
- They have had the requisite intention to possess the land (animus possidendi); and
- They have been in possession of the land for at least 12 years;

4.11.3 Factual possession may not be enough, i.e. fencing off the land. However irrespective of this, planning permission can still be legally granted for land which the applicant does not own, as long as they have served the correct notices under article 7 of Town and Country Planning (General Development Procedure) Order 1995. The applicant has submitted relevant confirmation of notices served and the Council has no information to dispute this fact.

4.11.4 Comments have also been received from neighbours who state that the area of open space, fenced off by Hogg's the builders, is open space allocated to the development. Unfortunately some Council records cannot be located at present to confirm this. However from the history which is available, it appears this plot of land was outside the curtilage of the original development in 1965. Also the Council advised that development of the whole site (including gardens to the rear of 1-9 Beckfield Lane) was unacceptable in 1991. The officer commented that Runswick Avenue is generally deficient in open space and that any further erosion of existing open space would should be resisted. The officer also commented that he believed the area greatly contributed towards the amenity of the area.

4.11.5 Furthermore planning permission was refused in 1967 (TP 7051) for the erection of a dwelling within the plot required for access to the site. In a letter dated 7<sup>th</sup> November 1967, which accompanied the decision notice for the above, the developer is reminded that the earlier consent for the houses, etc, (TP 5335C dated 7<sup>th</sup> January 1965) contained a condition requiring "the details of landscaping of the approach to the estate" to be submitted and approved, and requests that these details should be submitted as soon as possible. Unfortunately, as mentioned previously, further information to expand upon this information is unavailable at present. However irrespective of the above it is still considered that the proposal would have a detrimental impact upon the amenity of the area by removing an areas of open space, trees and vegetation which contribute greatly to the amenity of the area.

## 4.12 OPEN SPACE

4.12.1 The applicants state that the proposal will meet Local Plan Policy L1c. However, no further information is provided. The Council's Leisure Officer comments that a suitable commuted sum should be submitted to the Council to either provide for open space within the York's district or renovate existing space. The commuted sum figure would be based upon the total number and type of dwellings proposed. The applicant has not confirmed whether they are prepared to agree to this requirement.

## 4.13 SUSTAINABILITY

4.13.1 The applicants have not submitted any information regarding sustainability. The application cannot therefore be adequately judged against policy GP4a. The application is therefore unacceptable on this ground.

## 5.0 CONCLUSION

5.1 The proposed scheme is considered unacceptable in terms of siting and layout, detrimental impact upon adjacent neighbours, loss of open space which adds greatly to the amenity of the area and lack of information concerning drainage.

5.2 As a consequence the proposed scheme is not considered acceptable and is recommended for refusal as it fails to satisfy national planning guidance PPS1, PPG3 and PPG25 and also policies SP6, GP1, GP3, GP4a, GP7, GP9, GP10, GP15a, NE1, T4, H3c, H4a, H5a, and L1c of the City of York Development Control Draft Local Plan (incorporating 4th set of changes) - 2005.

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Refuse

1 The density of the development is too high in relation to the existing character and form of the area. The character and form of Runswick Avenue is semi-detached bungalows. The 2-storey houses proposed would look out of character with the area when seen in this context. In addition the scheme, if approved, would require the removal of a number of mature trees and the almost all of the area open space. Both of these greatly add to the character and greenness of the area. Their complete loss would have a significant impact upon the immediate area. As a consequence the proposed scheme fails to satisfy draft Local Policy GP10, parts (a), (b), (c), (d), (e), (g) and (l) of policy GP1 and also PPS1 and PPS3. Furthermore the scheme fails to satisfy the requirements of policy GP9 which requires suitable landscaping schemes to be submitted as part of an application.

2 The scheme if approved would have a detrimental impact upon the amenity of adjacent neighbouring dwellings. In particular there would be significant detrimental impact upon 9 and 11 Runswick and 18- 36 (even numbers) due to vehicular movements of traffic entering and leaving the site and also vehicular movement within the site in such close proximity to residents rear gardens/bedrooms. In addition, due to the inappropriate height of the proposed scheme, overlooking of neighbours private rear gardens would occur and also intrusion into principal living rooms. In particular nos 38, 40 and 42 would be particularly affected, due to the difference in land levels between the site and their dwellings. The scheme would also create intrusion towards existing adjacent neighbours due to being overbearing and un-neighbourly. As a consequence the proposal fails to satisfy policy part (i) of draft policy GP1 of City of York Local Plan and PPS1 and PPS3.

3 The development makes no provision for open space provision, to meet the needs of future residents and the local community. The development is thus considered to conflict with policy L1c 'Provision Of New Open Space in Development' of the City Of York Draft Local Plan Incorporating the 4th set of changes - Development Control Local Plan (Approved April 2005) that would require a commuted payment towards off site provision.

4 Inadequate drainage details have been submitted. It has not been proven by the applicants, that the development would not cause flooding to nearby residents or the local drainage system. Draft policy GP15a of the City York Local Plan and PPG25 require applicants to provide adequate information and implement measures to prevent flooding. The applicants have not proven that the scheme would not affect neighbours in terms of water run-off or overload the adjacent public drains.

5 No sustainability statement has been submitted, furthermore no details have been submitted regarding how the proposal satisfies points (a) to (i) of the policy GP4a. Policy GP4a requires the submission of a sustainability statement with every planning application. Without this document the Council cannot judge the sustainability of the scheme against this policy or the requirements of policy GP1 (j) which requires applications to accord with sustainable design principles.

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