

## COMMITTEE REPORT

**Committee:** West/Centre Area

**Ward:** Rural West York

**Date:** 1 July 2008

**Parish:** Parish Of Rufforth With Knapton

**Reference:** 08/00841/FULM

**Application at:** Algarth Wetherby Road Rufforth York YO23 3QF

**For:** Demolition of Algarth and Hambleton View and erection of eighteen no. 2, 3, 4 and 5 bed houses, one no. 2 bed flat with associated access, detached garages and parking

**By:** Cala Management Ltd

**Application Type:** Major Full Application (13 weeks)

**Target Date:** 2 July 2008

### 1.0 PROPOSAL

1.0.1 Planning permission is sought for the erection of 19, 2-storey dwellings after the demolition of 2 existing bungalows (Algarth and Hambleton View) adjacent Wetherby Road, Rufforth. The proposed scheme involves a mixture of 2-storey and 2½ dwellings. There is also a mix between detached, semi-detached dwellings and 1 flat. The scheme consists of the following house types:-

- (i) **Ingleton**, 2-storey detached 5 bed dwelling. The dimensions of this building are 9.00 m in length x 7.50 m in length x 5.20 m to eaves level and 9.00 m to ridge level;
- (ii) **Guilford**, 2-storey detached 4 bedroom dwelling with single integral garage. The dimensions of this building are 8.70 m in length x 10.10 m in length x 5.10 m to eaves level and 8.40 m to ridge level;
- (iii) **Helmsley**, 2-storey detached 5 bed dwelling. The dimensions of this building are 9.90 m in length x 10.00 m in length x 5.20 m to eaves level and 7.80 m to ridge level;
- (iv) **Cloucester**, 2-storey detached 4 bed dwelling. The dimensions of this building are 10.10 m in length x 7.40 m in length x 5.10 m to eaves level and 9.10 m to ridge level;
- (v) **Baildon**, 2-storey semi-detached 2 bed dwelling. The dimensions of this building are 4.20 m in length x 7.80 m in length x 5.20 m to eaves level and 8.00 m to ridge level;
- (vi) **Cotterdale**, 2-storey semi-detached 3 bed dwelling. The dimensions of this building are 5.10 m in length x 8.30 m in length x 5.20 m to eaves level and 8.30 m to ridge level;
- (vii) **Ewhurst**, 2-storey semi-detached 3 bed dwelling with accommodation in the roof (including front dormer window). The dimensions of this building are 5.00 m in length x 8.30 m in length x 5.40 m to eaves level and 9.00 m to ridge level; and

(viii) **Bedale**, 2 storey 2 bed flat accommodation at first floor and triple garage at ground floor. The dimensions of this building are 12.00 m in length x 6.20 m in length x 5.20 m to eaves level and 7.70 m to ridge level.

1.0.2 Single detached garages are proposed for plots 1 and 8 and a pair of detached garages are proposed for plots 12 and 16. Surface car-parking spaces are proposed for the remaining plots, except for plots except the 3 garage spaces below the beadle flat.

1.0.3 The proposed access to the site is from Wetherby Road. An existing access is located near to the south west corner of the site. The new access will be located, just off-centre of the front boundary opposite Garth View and a row of terraced dwellings. A 2.40 m x 7.00 m visibility splay is proposed for the south west front curtilage, so as to provide adequate viewing for vehicles.

1.0.4 The applicants state that the scheme proposes 47% of dwellings be affordable and that they are adequately 'pepper potted' throughout the site. The applicants further state that the scheme will provide a formal mews court with a mixture of units fronting directly onto the accessway. Groups of units front the courtyard shared parking areas which are served from the mews court. The applicants further state that the layout has been structured to provide courtyard parking areas with groups of dwellings fronting onto them. The applicants consider that such an arrangement will screen the parking from public points of view and create a secure environment due to surveillance of the parking areas.

1.0.5 Various boundary walls are proposed for the front boundary of the site. These range from a dwarf wall to 1.80 m high brick screen wall. The hedge adjacent the northern boundary is to be reinforced with the planting of further hedging and trees. Further landscaping is proposed through soft landscaped 'pockets'. However, as the applicants emphasize the proposal as a whole will have a hard landscaped appearance to compliment the development.

1.0.6 Alterations to the access of the site are proposed. The principal alteration is the creation of a public footpath in front of the site. This is proposed to join the existing public footpath adjacent the Tankard Inn and includes the formation of a pedestrian crossing.

## 1.1 SITE

1.1.1 This is 0.54 ha in size. 2 existing bungalows are sited to the rear third of the site. The site is bounded by dwellings to the front (south) and sides (east and west). To the north is open countryside classified as Green Belt. The site is located adjacent the Rufforth village boundary. The site is located within the defined settlement limit of Rufforth. The site is classified as 'washed over' Green Belt.

## 1.2 HISTORY

1.2.1 There is no previous planning history for this site. Preliminary discussions were entered into between Council and the applicants prior to the application being submitted. No view was given to the appropriateness of the scheme.

### 1.3 COUNCILLOR REQUEST

1.3.1 This application is being presented to Planning Committee at the request of Councillor Horton due to the concerns raised by Rufforth Parish Council. Councillor Horton also requested a site visit.

## 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

CYGP10  
Subdivision of gardens and infill devt

CGP15A  
Development and Flood Risk

CYGB2  
Development in settlements "Washed Over" by the Green Belt

CYH2A  
Affordable Housing

CYH4A  
Housing Windfalls

CYH5A  
Residential Density

CYL1C  
Provision of New Open Space in Development

CYNE1  
Trees, woodlands, hedgerows

### **3.0 CONSULTATIONS**

#### **3.1 INTERNAL**

##### **HIGHWAY NETWORK MANAGEMENT (HNM)**

3.1.1 The HNM officer raised no objections to the principle of re-developing this site. However he noted that the applicants do not wish the proposed internal roadways to be adopted. The Council seek internal roadways serving 5 or more dwellings to be built to adoptable standards. The officer therefore advises that revisions to the roadways would be required to satisfy Council requirements.

3.1.2 The officer further commented that the further details of the liquid petroleum tank, which is to be sited underneath of the visibility splay should be submitted to the Council. The officer objects to the visibility splay as it should be within the control of the Council. The control of visibility splays should be the sole responsibility of the Council. The applicants propose to keep control of the visibility splay/verge.

3.1.3 The officer also states that the Police have concerns regarding highway safety which have not yet been resolved. He consequently recommended that the application be deferred until such elements of the scheme were addressed. However he did recommend 9 conditions, should the application be recommended for approval.

##### **ENGINEERING CONSULTANCY**

3.1.4 The drainage engineer objected to this proposal on the grounds that insufficient information has been submitted to adequately determine the potential impact of the proposal. Due to the extensive flooding that has occurred with both foul and surface water drainage in the vicinity he advises that a Flood Risk Assessment should be submitted.

## CITY DEVELOPMENT

3.1.5 The officer notes that the site lies within the defined settlement limit of Rufforth. The officer highlights various relevant policies, in particular GP10 which states that any development should not be detrimental to the character and amenity of the local environment and SP10 which seeks development should not have a detrimental impact upon existing landscape features.

3.1.6 She also notes that the affordable housing provision for this scheme is 50% and the affordable units are pepper-potted. However Council policy also requires that the affordable dwellings are provided pro-rata with open market dwellings. The officer notes that this is not the case. However the layout has been agreed with the Council's Housing Registrations department, who favour the mix incorporated in this scheme.

3.1.7 With regards to the density of the scheme the officer notes that the proposed density equates to 35 dwellings per hectare. The recommended density stated within policy H5a is 30 dwellings.

3.1.8 Other areas highlighted by the officer included the sustainability of the scheme, commuted payment for open space and cycle parking standards. It was considered that these elements could be adequately addressed by condition.

3.1.9 The officer concluded by noting that the scheme should satisfy policy GB2 in terms of location, scale and design and that it should be limited infilling and not prejudice the openness of the Green Belt.

## LANDSCAPE ARCHITECT

3.1.10 The Council's landscape Architect considers the proposed scheme fails to satisfy policies GP1, GP10 and GB2 of the local plan. She also considers that a landscape scheme should have been submitted for planting along the site boundaries, in accordance with policy GP9.

3.1.11 The Landscape Architect describes Rufforth as a linear settlement which extends along part of Wetherby Road. The older properties on main street have relatively large gardens and there are noticeable spaces between properties. Some small strip fields still exist behind some of the properties although the hedgerows have been removed within the land directly behind the site, resulting in one large intensively cultivated field. She also concedes there has been some development of back and front gardens with additional properties, plus the creation of denser housing developments.

3.1.12 The officer highlights point 10 of Rufforth's Village design Statement, which requires any new development to retain the rural character of the village and be of a scale to complement the existing density of the area. Point 11 of the VDS goes further by stating that any development at the periphery of the village should be of an appropriate scale so as not to adversely affect the character or setting of the village.

3.1.13 She further mentions that as the site is so open, it is a key component of the village especially when approaching from the north east. The scheme fails to present a green edge to the fields and new housing does not satisfactorily address the street. There should be a good spatial quality around individual buildings and in-between them to prevent the development looking cramped and over-developed.

3.1.14 The officer notes that all mature trees were removed from site prior to an application being submitted and that the existing Hawthorn hedge adjacent Wetherby Road is to be removed to accommodate a visibility splay.

3.1.15 The officer concludes by stating that the development is far too dense for this rural area especially due its prominent position within the village. The scheme does not retain or enhance the setting of the village or the openness of the surrounding Green Belt and is therefore not limited infilling.

#### EDUCATION OFFICER

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

#### 3.2 EXTERNAL

3.2.1 Rufforth and Knapton Parish Council object to the proposed scheme on the following grounds:-

- The proposed scheme would constitute an overdevelopment of the site;
- The site is extremely prominent being located at one of the main entrances of the village;
- The proposed scheme fails to satisfy the Village Design Statement (VDS);
- The density of the development exceeds the national indicative minimum of 30 dwellings per hectare (dph). This indicative figure is also too high for Rufforth's rural location. The PC would prefer 15 dph and have officially responded to that effect in the Council's 'York without walls' consultation last year;
- The scheme also fails to satisfy policy S3 of the Yorkshire and the Humber Regional Spatial Strategy and Local Plan Policies GB2, H4a, GP1 and GP10 as well as the Rufforth's VDS as the density, layout and siting of the proposed development fails to respect the character of the village;

- The proposed affordable housing provision is too high for the village;
- The proposed scheme fails to satisfy policy T5 of the Local Plan as the access to the development is dangerous;
- No open space has been provided on this site;
- Policy GP4a of the Local Plan requires developments to contribute to the social needs of the community. The Parish Council believe that the proposed scheme does not satisfy this requirement;
- Rufforth is linear in character, the proposed scheme fails to take this characteristic into account and is therefore unsympathetic and would create a poor transition from the village to the open countryside;
- The existing foul and surface water drainage would most likely not be able to cope with the new development;
- There is inadequate parking proposed for the scheme and it is inadequately positioned;
- There is inadequate scope for landscaping and tree planting;
- Plots 16 and 17 may conflict with the flight path of the airfield;
- The grass verge if not maintained would reduce visibility at a critical entrance to the village; and
- The siting of the tank underneath the verge is also inappropriate and unsafe.

#### MARSTON MOOR and FOSS INTERNAL DRAINAGE BOARD

3.2.2 The board raised no objection to this application. However they stated that the proposed method of surface water disposal is to an existing watercourse. They note that the nearest watercourse is 200 m away. The board seek confirmation that the site currently discharges into a watercourse. 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 water regulation, drainage routes, reduction of flood risk and minimum development standards for this brownfield site.

#### YORKSHIRE WATER (YW)

3.2.4 YW raise concerns regarding the level of development proposed. They note that the public sewerage system is already overloaded. The level of sewerage being added to the system would increase significantly should the application be approved.

3.2.5 YW object on the grounds that no Flood Risk assessment has been submitted. However they advise that should the application be approved various conditions should be attached concerning discharge of water, foul and surface water drainage, SUDS, separate drainage systems, etc.

#### YORK GLIDING CENTRE

3.2.6 The proposed scheme falls slightly to the west of the extended centre line of the gliding club's main north/south (36/18) runways. As a result some of the proposed dwellings will be in the climb out path or approach path when gliders are taking off towards the village from runway 36 and when landing from the village on runway 18. The club consider that the development infringes upon the aerodrome safeguarding map which defines the boundaries and conditions concerning developments within 4km of their aerodrome.

3.2.7 The airfield is very active and activity would undoubtedly affect the amenity of residents of the proposed scheme. Powered aircraft also the aerodrome not just gliders on a regular basis, especially to tow the gliders into the air.

## NEIGHBOUR LETTERS, SITE AND PRESS NOTICE

3.2.8 Letters from or on behalf of 27 local residents have been received raising objections to the original plans on the following grounds:

- The proposed scheme is too large for the site and constitutes over-development. The density is certainly too high for the village and exceeds previous permissions granted within the village in recent times;
- 30 dph is too high the Parish Council recently responded to CYC's 'York without walls' consultation and advised that 15 dph was more appropriate;
- The density of the scheme is urban in character;
- The height of the dwellings and the incorporation of dormer windows is unacceptable and not in keeping with the character of the village;
- No open space is proposed to be provided for this scheme;
- The siting of the proposed fuel tank is in an inappropriate position and may cause a hazard;
- The approach to village would be ruined by such a development. At present 2 bungalows occupy the site, set within large spacious gardens. Such a high density scheme would ruin the transition from village to Green Belt and vice versa;
- The design of the proposed dwellings is incompatible with the character of the village;
- The limited car-parking will cause parking congestion within the area;
- The access to the development is hazardous, being on a blind bend. Irrespective of the speed limit vehicles approach at speed from all directions. As a consequence this would create a hazard to pedestrians and vehicular traffic;
- Road restrictions will impact upon the vitality of the post office/shop;
- There is already a serious problem in Rufforth with drainage and flooding. The scheme takes no account of this would exacerbate the situation further without any kind of remedy;
- The landscaping proposed for the scheme is inadequate;
- Some of the proposed dwellings would impact upon the amenity of existing residents by way of overlooking and overshadowing;



- The scheme fails to satisfy the requirements of the Village Design Statement, in particular guide notes 6, 10, 11, 13, 15, 17, 18, 25, 28 and 32.
- The loss of the hedge at the front of the site is unacceptable in terms of loss of character to the area and Impact upon wildlife;
- The alterations to the existing footpath will have a significant impact upon parking arrangements in the village;
- There is no discernable need/demand for affordable housing in the village;
- Smells from Harewood Whin would affect the amenity of proposed residents on this site;

In addition a petition of 23 people was submitted in objection of the proposed scheme.

## **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;
- 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 PPG2 Green Belts. This PPG outlines the history and extent of Green Belts and explains their purposes. It describes how Green Belts are designated and their land safeguarded. Green Belt land-use objectives are outlined and the presumption against inappropriate development is set out. Visual amenity factors are described and policies regarding new building and re-use of old buildings are summarised.

4.2.3 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.

4.2.4 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.

4.2.5 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 dph (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”).

4.2.6 Planning Policy Statement 7: Sustainable Development in Rural Areas states that new building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled; the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all.

4.2.7 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.

4.2.8 Policy SP2 'The York Green Belt' of the City of York Local Plan Deposit Draft states that the primary purpose of the York Green the setting and historic character of the City of York and is defined on the Proposals Map. Although the rural part of the Local Plan area is predominantly open countryside and protected for its own sake, virtually all land outside the main settlements is designated as Green Belt in this Local Plan. Whilst separate national planning guidance exists for both the open countryside (Countryside - Environmental Quality and Economic and Social Development (PPS7) and Green Belts (PPG2), a general presumption against unnecessary or inappropriate development runs through both sets of guidance, combined with the objective of redirecting this development towards existing settlements.

4.2.9 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.

4.2.10 Policy GB2 'Development in Settlements "Washed Over" by the Green Belt' of the City of York Local Plan Deposit Draft, states that proposals for new buildings within Green Belt villages will be permitted providing they are located within the built up area of the settlement; the location, scale and design is appropriate to the form and character of the village and surrounding property; and, the proposal would constitute limited infilling and not prejudice the openness or purposes of the Green Belt.

4.2.11 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.

4.2.12 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.

4.2.13 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.

4.2.14 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.

4.2.15 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.

4.2.16 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.

4.2.17 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.

4.2.18 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.

4.2.19 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.

4.2.20 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.

4.2.21 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.

4.2.22 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.

4.2.23 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.

4.2.24 Rufforth Village Design Statement describes the distinctive character of a village and its surrounding countryside and sets out design principles to demonstrate how local character can be protected and enhanced if there is to be any new development.

4.2.25 The statement has been developed, researched, written and edited by local people. It involves a wide cross-section of the village community in its production and is representative of the village as a whole

### 4.3 PRINCIPLE OF DEVELOPMENT

4.3.1 The site lies within the defined settlement boundary of Rufforth. The site is within an area classified as washed over Green Belt. 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 30 dwellings per hectare(dph) 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 The fundamental aim of PPG2 and the Council's Green Belt policies are to prevent urban sprawl by keeping land classified as Green Belt permanently open. The most important attribute of Green Belts is their openness. Green Belts can shape patterns of urban development at sub-regional and regional scale, and help to ensure that development occurs in locations allocated in development plans. They help to protect the countryside, be it in agricultural, forestry or other use. They can assist in moving towards more sustainable patterns of urban development.

4.3.3 The general policies controlling development in the countryside apply with equal force in Green Belts but there is, in addition, a general presumption against inappropriate development within them. Such development should not be approved, except in very special circumstances.

4.3.4 Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of the presumption against inappropriate development, the Secretary of State attaches substantial weight to the harm to the Green Belt when considering any planning application or appeal concerning such development.

4.3.5 Draft Local Plan Green Belt policies reflect guidance in the Structure Plan (Policy E8) and PPG2, in identifying that the only form of new residential development which may be appropriate in Green Belt outside of settlement limits are affordable housing exceptions, agricultural/forestry workers dwellings and replacement dwellings of commensurate size and scale. The scheme whilst including 50% affordable provision does not constitute an affordable housing exception, nor is the proposal related to agricultural/forestry workers accommodation.

4.3.6 Rufforth is a settlement washed over by the Green Belt. These settlements are generally smaller villages/conurbations which are usually more remote from the main settlements and the main transport corridors, are unsustainable and have few services such as shops, schools etc. Generally they have limited development potential and any new residential development should be limited to minor infilling. Infilling is generally defined as the filling of a small gap in an otherwise built up frontage. PPG2 (Green Belts) states in para. 2.11 that if infilling only is acceptable within a village, then it should be included in the Green Belt i.e.; washed over.

4.3.7 Policy GB2 states that development in areas classified as washed over Green Belt, should be limited to infilling only and should not prejudice the openness of the Green Belt. The development is consequently inappropriate as, although it is located within the development limit of the village, it is not considered to be limited infilling.

4.3.8 In addition policy GB2 states that the location, scale and design of the proposed development should be appropriate to the form and character of the settlement and neighbouring properties. The proposed development within this site would result in a more urban higher density development which, when seen in context within the existing built form of Rufforth would undermine the existing semi-rural pattern of development of the village.

#### 4.4 DENSITY

4.4.1 The site layout plan illustrates 19 dwellings to be built within the site. This equates to a density of 35 dwellings per hectare (dph). This exceeds the 30 dph PPS3 advises. Council policy regarding build densities (policy H5a) states that net residential densities of 30 dph is acceptable elsewhere within the city of York.

4.4.2 In terms of density of development and spatial relationships within the village, Local Plan policy H5a 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 Due to the location of the site (washed-over Green Belt) and associated constraints (access, scale and massing of development, the low-rise character of some adjacent neighbours, rural nature of the village and the visual amenity value of the undeveloped area of the site), 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 with the existing rural character of the area. The proposed site would also appear very urban in character due to the significant increase in density, built form and the lack of landscaping, planted area and trees. The majority of properties within the immediate are smaller in size and scale and are generally situated within larger plots. As a consequence the introduction of 19, 2-storey and 2½storey properties within this site is considered a gross overdevelopment within this aforementioned context. The scheme is therefore contrary to the requirements of policies H5a, GB2, GP1, GP10 of the City of York's Draft Local Plan, and PPS1, PPG2 and PPS3 which require 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 creates a cottage style façade to the front elevation which can be seen reflected within other areas of Rufforth. Furthermore they say that views from the public realm into the site are restricted due to the design and siting of dwellings to the front boundary, although gaps in the layout of the northern side of the scheme would allow framed views onto the countryside.

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, GB2 and PPS3 and also local plan policies GP1 and GP10 and design guidelines 10, 11, 15, 17, 18 and 25 of Rufforth's Village Design Statement.

#### 4.6 IMPACT ON RESIDENTS AMENITY

4.6.1 Objections have also been received from adjacent residents concerning loss of outlook, light, shading and overlooking. The applicants make no reference to the impact of the proposed scheme upon adjacent neighbours. It is considered that there would be particular impact upon the amenity of the occupants at 'Pinecroft' if this scheme were approved. Plots 5 and 7 would look onto the front garden of the property (although at a slightly oblique angle). Plot 8, which is a 2-storey dwelling, would be built within approximately 5.00 m of the nearest part of 'Pinecroft' and would directly overlook the property's rear garden and overshadow the property. Plots 9 and 10 whilst not overlooking the rear garden of 'Pinecroft' would overshadow the property's rear garden, as they are proposed to be built close to the joint boundary.

#### 4.7 HIGHWAYS

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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.

4.7.1 Concerns have been raised from local residents regarding traffic congestion and road safety, especially where the access is proposed and the pedestrian crossing. The applicants state that the alterations will allow pedestrian flow from the new access, both along Wetherby Road and also across Wetherby Road to the existing footway serving the Post Office. A direct access to the bus stop, outside the Tankard Inn would also be created. A pedestrian crossing is also proposed and visibility splays.

4.7.2 No objection has been raised by the Council's Highway Network Management department in terms of the principle of development. However the officer has raised concerns regarding the position of the gas tank, the internal road layout and drainage. He advised that these design issues should be addressed prior to the application being approved. However the officer did concede, should the application be recommended for approval, these aspects could be addressed by condition.

4.7.3 The officer also noted that the police have raised concerns regarding highway safety aspects of the scheme. Due to the police concerns raised, the HNM officer advised that a full stage 3 road safety audit should be carried out, prior to works commencing on site.

#### 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. The VDS also seeks to protect existing landscape features and also do Local Plan policies.

4.8.2 Comments received from the Council's Landscape Officer raise particular concerns with regard to the landscaping of this proposed scheme. The overdevelopment of the site allows for minimal landscaping which consequently has a significant detrimental impact upon the openness of the Green Belt, the approach the village and transition from the village to the Green Belt.

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 and Rufforth's village design guideline 6.

#### 4.9 AFFORDABLE HOUSING

4.9.1 Almost 50% affordable housing is proposed as part of this scheme. The percentage and type has been agreed with the Council prior to submission of the scheme.

#### 4.10 FLOOD RISK AND DRAINAGE

4.10.1 Yorkshire Water and Marston Moor Internal Drainage Board and the Council's own Drainage Engineers object to the proposed scheme due to lack of information. However, the Internal Drainage Board and Yorkshire Water were prepared to allow conditions be proposed in lieu of the information being submitted. The Council's drainage engineer advised that the required information should be submitted prior to determination of the scheme. No additional information has been submitted by the applicant to support their proposal.

#### 4.12 OPEN SPACE

4.12.1 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 policies national planning guidance PPS1, PPG2, PPG3 and PPG25 and also policies SP6, GP1, GP3, GP4a, GP7, GP9, GP10, GP15a, GB2, 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 proposed development would constitute inappropriate development that would have a harmful impact upon the character and openness of the Green Belt and 'washed over' Green Belt, due to its scale, design and siting. The proposal would also contribute to the loss of open space within this rural village which would be a detriment to the area and the surrounding Green Belt. The scheme would also undermine the rural nature of this approach into the village. Furthermore, the scheme would set a precedent for future inappropriate development which would cumulatively undermine the character of Rufforth and the Green Belt. As a consequence the proposal is contrary to parts (a), (b), (c) of policy GB1 and also the essential criteria listed as part of this policy. Also parts (a), (b) and (c) of policy GB2 and policy GP10 of the City of York Local Plan Deposit Draft.

2 The density of the development is too high in relation to the existing character and form of Rufforth. The 2-storey and 2½ storey proposed dwellings would look out of character within Rufforth when viewed in this context. As a consequence the proposed scheme fails to satisfy draft Local Policy GP10, parts (a), (b), (c), (d), (e), (g) and (i) of policy GP1 and also PPS1, PPG2 and PPS3 and also design guidelines 10, 11, 15, 17, 18 and 25 of Rufforth's Village Design Statement

3 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 'Pinecroft' due to overlooking of neighbours private rear gardens and overshadowing. The scheme would also create intrusion 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.

4 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.

5 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.

6 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.

7 Due to the layout and siting of the dwellings within the site, such a high density scheme does not allow for adequate soft landscaping which would add to the amenity of the scheme and create a sense of place. As a consequence the proposal does not create a definable character or distinctive quality of place for the scheme as sought by 'Better Places to Live by Design: A companion Guide to PPG3'. As such the proposal would not be compatible with the well established rural character of the area is therefore contrary to national planning guidance PPS1 and PPS3 and also policies GP1, GP9, NE1 and H5a of the City of York Draft Local Plan (incorporating 4th set of changes) – 2005 and also design guideline 6 of Rufforth's Village Design Statement.

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