

COMMITTEE REPORT

Date: 10 February 2011
Team: East Area
Ward: Strensall
Parish: Strensall With Towthorpe Parish Council

Reference: 10/01553/FUL
Application at: Seven Oaks Ox Carr Lane Strensall York YO32 5TD
For: Erection of three 2-storey detached dwellings and associated external works after demolition of existing bungalow (resubmission)
By: Mr Peter Ruane
Application Type: Full Application
Target Date: 14 September 2010
Recommendation: Approve

1.0 PROPOSAL

1.1 The application is for (a) the demolition of an extended chalet-style detached house known as Seven Oaks and erection of three, 2-storey, 4-bedroom houses (contrary to the initial consultation letter, no rooms in the roof space are proposed). The existing vehicular access from Ox Carr Lane would be widened from approximately 3.2m to 4.5m. Two off-street parking spaces would be provided for each dwelling plus a total of two visitor spaces. Each dwelling would have its own private garden.

1.2 The application is a resubmission following two previous applications (in 2008 and 2009) that were withdrawn due to officer concerns. The current proposal is the result of lengthy discussions with officers.

1.3 The application is before members due to the level of public interest.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

Floodzone 2 GMS Constraints: Flood zone 2

2.2 Policies:

CYNE6

Species protected by law

CYGP1

Design

CYGP4A
Sustainability

CYGP10
Subdivision of gardens and infill devt

CGP15A
Development and Flood Risk

CYH4A
Housing Windfalls

CYNE1
Trees, woodlands, hedgerows

CYL1C
Provision of New Open Space in Development

3.0 CONSULTATIONS

3.1 INTERNAL

Highway Network Management - No objections to the revised proposals, which show the access widened to 4.5m. Add standard conditions regarding details of access, surfacing and car/cycle parking.

Structures and Drainage - No objection in principle to the development but a condition should be attached to ensure that peak run-off is attenuated to 70% of existing and discharged at a controlled rate. The development is in medium risk Flood Zone 2 and may suffer from river flooding, therefore a Flood Risk Assessment should be submitted for approval to the Environment Agency.

Environment, Conservation, Sustainable Development (Countryside) – Whilst a full bat survey is not necessary the surrounding area is of high value to local bats. Measures should be put in place during the demolition phase to ensure that bats have been taken into account and that any potential impact is minimised. For example, careful removal of roof tiles and fittings by hand. Suitable habitat features should also be installed in the new dwellings. A condition should be attached to cover this. Whilst there have been some reports of great crested newts within the area the gardens at Seven Oaks are well maintained and provide sub-optimal habitat. The busy road to the front is also likely to be an effective barrier to migrating newts. Nevertheless the newts still need to be taken into account and care should be taken during the construction phase to minimise any impacts.

Environment, Conservation, Sustainable Development (Trees) – No objection to the revised proposals including a replacement silver birch to compensate for the loss of a small oak tree and alterations to the proposed hedging. The existing

driveway/hardstanding should be retained throughout the development period to provide a protective barrier for these trees, reducing compaction of the roots. This should be specified in a tree protection method statement. Tree protection should be made a condition of approval.

Environmental Protection: - No objections.

Lifelong Learning and Leisure - As there is no on-site open space provided a commuted sum should be paid to the Council for: (a) amenity open space - which would be used to improve a local site within the parish (b) play space - which would be used to improve a local site within the parish and (c) sports pitches - which would be used to improve a facility within the North Zone of the Sport and Active Leisure Strategy. The contribution to off-site provision should be based on the latest York formula through a Section 106 Agreement.

3.2 EXTERNAL

Strensall With Towthorpe Parish Council – Objection. Conflict with policy GP1 due to size and scale which are inappropriate for the area and adjacent properties. Drainage is still a concern in the area and the surface water run-off from this scheme will be three times that of the existing property. The proposals do not blend in with the surrounding area. Adjacent properties would be overlooked. There would be insufficient parking. Impact on trees. The 4m entrance is too narrow. The development does not conform to Planning Policy Statement 3.

Foss IDB - The site is in an area where drainage problems exist. Any approval granted should include conditions requiring (a) prior approval of a surface water regulation system with a maximum discharge rate not exceeding that of a greenfield site, i.e. 1.4lit/sec/ha and (b) finished floor levels at least 250mm above finished floor level and flood proof construction.

Environment Agency - The proposal would only be acceptable if conditions are attached requiring prior approval of a surface water drainage scheme with a maximum discharge rate not exceeding that of a greenfield site

Public Consultation - The consultation period expired on 6 September 2010. Six objections have been received raising the following planning issues:

- Overdevelopment
- Out of character with the area
- Increased run-off will cause flooding/drainage problems
- Highway safety
- Inadequate parking
- Impact on adjacent SSSI
- Impact on bats and newts
- Loss of sunlight/daylight
- Loss of/impact on trees
- Overlooking and loss of privacy
- Noise nuisance
- PPS3 (garden grabbing)

4.0 APPRAISAL

4.1 KEY ISSUES

- Principle of the Use for Housing
- Density and Visual Appearance
- Neighbour amenity
- Highway Issues
- Drainage
- Bio-diversity
- Open space
- Sustainable design and construction

4.2 PLANNING POLICY CONTEXT

GP1 - Development proposals should be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and local character; respect or enhance the local environment; provide/protect amenity space; protect residential amenity; accord with sustainable design principles; include refuse facilities; and include, where appropriate, landscaping.

GP4a - All proposals should have regard to the principles of sustainable development.

GP10 - Planning permission will only be granted for the sub-division of garden areas or infilling to provide new development where this would not be detrimental to the character and amenity of the local environment.

GP15a - 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.

NE1 - Trees, woodlands and hedgerows, which are of landscape, amenity, nature conservation, or historic value will be protected by: refusing proposals which will result in their loss or damage. When trees are to be removed, appropriate replacement planting should be proposed to mitigate any loss.

NE6 - Where a proposal may have a significant effect on protected species or habitats applicants will be expected to undertake an appropriate assessment demonstrating their proposed mitigation measures. Planning permission will only be granted that would not cause demonstrable harm to protected species.

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

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

4.3 THE APPLICATION SITE

The site (0.172ha) mainly comprises an extended chalet-style dwellinghouse on the edge of (but within) the settlement limit of Strensall. The site is surrounded on all sides by trees and/or hedges. Access is by a gated driveway from Ox Carr Lane. On the opposite side of Ox Carr Lane is Strensall Common which is a designated site of special scientific interest (SSSI) and special area of conservation (SAC). To the north and east of the site is a modern housing estate – Oak Tree Close. To the west is the mature garden and house known as Whitewalls. The density of development in the area varies greatly from the low density at Seven Oaks and Whitewalls to the significantly higher density at Whin Close and Pasture Close to the west.

4.4 PRINCIPLE OF THE USE FOR HOUSING

The site is in a sustainable location on a bus route and close to Strensall village. The principle of the use for housing is acceptable subject to the proposal not being detrimental to the character and amenity of the area.

In June 2010 Planning Policy Statement 3 was revised to exclude private residential gardens from the definition of previously-developed (brownfield) land. The purpose of the change is to prevent local planning authorities feeling obliged to grant planning permission for otherwise unwanted development on garden land ("garden grabbing"), simply to maintain targets for building on previously developed land. However, the removal of residential gardens from the definition of previously-developed land has not introduced a general presumption against the development of gardens, it merely removes this as a positive factor in determining such applications. Any scheme still has to be judged against the impact on the character of an area, the impact on adjacent residents and any other material considerations. In this particular case, the removal of the site from the definition of previously developed land does not change officers' opinion that the principle of the use of the site for housing is acceptable. In making planning decisions, it is still expected that local planning authorities should seek to secure the efficient use of land, whilst focusing new residential development on sites in sustainable locations, and there are no specific policies in the draft local plan that protect sites such as this from development.

4.5 DENSITY AND VISUAL APPEARANCE

The three houses would be traditional in design and appearance. Materials would comprise brickwork and coloured render for the walls and interlocking tiles for the roof. The design is acceptable in this area which has no predominant building style. The scale and massing of the dwellings would be in keeping with the adjacent houses in Oak Tree Close to the north and east. The existing dwelling has no architectural merit and is not considered worthy of retention. The density of the development would be 17dph. This accords with policy H5a of the local plan, which

seeks to achieve a density of 30dph in such areas, subject to being compatible with the character of the surrounding area and not harming local amenity. The proposed density is considered to be in keeping with the varied character of the area. Officers acknowledge that the indicative minimum density of 30dph in PPS3 was deleted in June 2010. Nevertheless the density proposed for this site is well below 30dph.

4.6 NEIGHBOUR AMENITY

The proposed dwellings would be at least 21m from the nearest dwellings to the east (i.e. at Nos 1 and 3 Oak Tree Close). This distance is widely regarded as being an acceptable distance between existing dwellings and new development. In addition, the boundary is heavily screened by a substantial boundary hedge and mature trees. Plot 2 would be 15.4m from the rear conservatory of the house at No.5 Oak Tree Close and 20.5m from No.5's main rear elevation. Whilst there is a gap in the boundary screening at this point the juxtaposition of the two dwellings would be oblique, thereby reducing the impact on the occupiers. Furthermore, no windows of the house at Plot 2 would face No.5 Oak Tree Close, thereby avoiding any significant risk of overlooking. The other existing houses along the boundary (i.e. Whitewalls and Nos 7 and 9 Oak Tree Close) are unlikely to be materially affected by the proposals due to the position and orientation of the nearest proposed house (which is at Plot 1) and existing screening along the boundary. None of the new dwellings are likely to materially affect sunlight to adjacent properties. It should be noted however that sunlight to the rear garden of the house at Plot 1 is likely to be significantly reduced due to overshadowing caused by existing trees along the boundary with Whitewalls. This is, however, considered to be insufficient grounds to justify refusal of the application.

4.7 IMPACT ON TREES

The existing trees and hedges on the site and along the boundary are a significant amenity for existing and proposed residents. All of this planting would be retained and, subject to care being taken during construction, should not be adversely affected by the works. However, one small oak tree near the site entrance would be unlikely to survive. The applicant proposes to replace the tree with a silver birch at the eastern corner of the site. The birch would be a suitable species for the site. Tree protection during construction should be made a condition of approval.

4.8 HIGHWAY ISSUES

The site entrance would need to be widened to 4.5m and this has been agreed by the applicant. The entrance lies at a curve in the road, providing adequate sight lines and visibility splays in both directions. Neither the traffic generated by the proposal nor the distance from adjacent road junctions is likely to materially reduce highway safety. Adequate parking would be provided for occupiers and visitors. The council's highways officers have no objection to the application.

4.9 DRAINAGE

The development is in medium risk Flood Zone 2 and may suffer from river flooding. Moreover, the existing drainage of surface water in the area is poor and is a concern

of local residents. Nevertheless the Environment Agency, the internal drainage board and the Council's drainage officers all accept that drainage can be dealt with as a condition of approval. Such a condition should include submission of drainage details including attenuation to 70% of the existing surface water discharge.

4.10 PUBLIC OPEN SPACE

A developer contribution of £6,012 would be required for the provision of public open space in accordance with policy L1 of the local plan. The contribution is calculated on the basis that two additional (four bedroom) dwellings would be created. This has been accepted by the applicant.

4.11 SUSTAINABLE DESIGN AND CONSTRUCTION

The developer will be expected to meet or exceed Code for Sustainable Homes Level 3 and to provide 5% of the energy requirements by on-site renewable sources in accordance with the council's Interim Planning Statement on Sustainable Design and Construction. These requirements should be made conditions of approval.

4.12 BIO-DIVERSITY

Any impact on bats in the vicinity of the site can be mitigated by careful demolition and suitable bat mitigation measures. These should be made a condition of approval. The site is outside, but close to, the Strensall Common SSSI and SAC. The boundary is opposite the site on the south side of Ox Carr Lane. Officers consider that the erection of three houses on this already residential site will have no additional impact on the SSSI and SAC.

5.0 CONCLUSION

5.1 The revised proposals now before members accord with relevant policies of the draft local plan and are acceptable subject to conditions. A financial contribution of £6,012 will be required for the provision of off-site public open space.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the approved plans and elevations numbered SO/120/A, SO/111/A, SO/112/A and SO/113/A.

Reason: For the avoidance of doubt and to achieve an acceptable form of development.

3 VISQ8 Samples of exterior materials to be app

4 HWAY10 Vehicular areas surfaced, details reqd

5 HWAY14 Access to be approved, details reqd

6 HWAY19 Car and cycle parking laid out

7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no window or other opening additional to those shown on the approved plans shall at any time be inserted along the north-west elevation of the house at Plot 2 shown on the approved plans.

Reason: In the interests of the amenities of occupiers of the adjacent dwelling at No.5 Oak Tree Close.

8 Prior to the commencement of the development, the developer shall submit for the written approval of the Local Planning Authority an initial Code for Sustainable Homes (CSH) Design Stage assessment for the development. Unless otherwise agreed in writing with the Local Planning Authority, this shall indicate that at least the minimum code level 3-star rating will be achieved. This shall be followed by the submission of a CSH Post Construction Stage assessment, and a CSH Final Certificate (issued at post construction stage). These documents shall be submitted to the Local Planning Authority after completion and before first occupation of the building. Both documents submitted shall confirm that the code rating agreed in the initial CSH Design Stage assessment has been achieved.

Reason: In the interests of sustainable development.

9 No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority to demonstrate how the development will provide 5% of its predicted energy requirements from on-site renewable sources. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the local planning authority. The approved scheme shall be implemented before first occupation of the development. The site shall thereafter be maintained to the required level of generation.

Reason: To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction.

10 No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the local planning authority. The open space shall thereafter be provided in accordance with the approved scheme or the alternative arrangements agreed in writing by the local planning authority and thereafter implemented, prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy L1 of the City of York Draft Local Plan.

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £6,012. No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.

11 Notwithstanding the information contained on the approved plans the height of the proposed shall not exceed the following:

Plot 1 - 7.4metres

Plot 2 - 7.6metres

Plot 3 - 7.4metres.

These dimensions shall be as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

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

12 Development shall not begin until details of the foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Details to include:

a. Calculations and invert levels to Ordnance Datum of the existing foul and surface water system together with details to include calculations and invert levels of the proposals for the new development. This will enable the impact of the proposals on the downstream watercourse to be assessed.

b. Surface water details. In accordance with PPS25 and in agreement with the Environment Agency/Foss IDB, peak run-off from the development shall be attenuated to 70% of the existing rate (based on 140 l/s/ha of connected impermeable areas). Storage volume calculations, using computer modelling, shall accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model shall also include an additional 20% allowance for climate change. The modelling shall use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

c. Details of future management / maintenance of the proposed drainage system.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site to comply with guidance contained within Planning Policy Statement 25 (Development and Flood Risk) and that provision has been made to maintain the proposed drainage system.

13 No development shall take place until details have been submitted to and approved in writing by the council of measures to be provided within the design of the new buildings to accommodate bats. The works shall be completed in accordance with the approved details.

Reason: To take account of and enhance the habitat for bats.

INFORMATIVE: Features suitable for incorporation include special tiles, brick soffit boards, bat boxes, etc.

14 Trees and hedges shown to be retained shall be protected during the development of the site. Measures shall include:

(i) No development or change in level shall take place within the crown spread of the trees to be retained (including trees on neighbouring land);

(ii) Prior to commencement on site of demolition, site preparation, building or other development operations, including the importing of materials and any excavations, protective fencing to BS5837 Part 8 shall be erected around all existing trees shown to be retained (and neighbouring trees where they may also be affected). The fencing shall be erected in accordance with the root protection area plan. Before commencement on site the protective fencing line shall be erected and subsequently adhered to at all times during development to create exclusion zones.

(iii) None of the following activities shall take place within the protective fencing or within the canopy area of existing trees: excavation, raising of levels, storage of any materials or top soil, burning, parking or manoeuvring of vehicles, no site huts, no marketing offices, no mixing of cement, no disposing of washings, no stored fuel, no new service runs. The fencing shall remain secured in position throughout the construction process including the implementation of landscaping works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

(iv) No trenches, pipe runs for services or drains shall be routed under the crown spread of any tree without the prior approval in writing of the Local Planning Authority.

Reason: To ensure protection of existing trees before, during and after development which contribute to the character and appearance of the area. It is important that they are protected from damage before, during and after construction works.

15 NOISE7 Restricted hours of construction

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to:

- Overall planning principles
- Visual appearance
- Neighbour amenity
- Drainage
- Open space
- Highway issues
- Bio-diversity
- Sustainable design and construction

As such the proposal complies with national planning advice contained within Planning Policy Statement 3 "Housing" and policies GP1, GP4a, GP10, GP15a, NE1, NE6 and L1c of the City of York Draft Local Plan.

Contact details:

Author: Kevin O'Connell Development Management Officer
Tel No: 01904 552830