

COMMITTEE REPORT

Date: 9 June 2011
Team: Major and Commercial Team
Ward: Strensall
Parish: Strensall With Towthorpe Parish Council

Reference: 11/00606/OUTM
Application at: Bonneycroft 22 Princess Road Strensall York YO32 5UD
For: Residential development of 14 dwellings with access from Princess Road
By: C/o Agent
Application Type: Major Outline Application (13 weeks)
Target Date: 29 June 2011
Recommendation: Refuse

1.0 PROPOSAL

1.1 The application seeks outline consent for the erection of 14 three bedroom dwellings. 12 of the dwellings would be for sale on the open market; the remaining two would be for social rent. Whilst all matters are reserved except access and layout, the applicant intends that (a) ten of the dwellings would be 2-storeys high with further rooms in the roof and (b) the other four dwellings would be 3-storey townhouses. Access would be via the existing access from Princess Road. The proposal is speculative. A dilapidated bungalow on the site would be demolished.

PLANNING HISTORY

1.2 In 2005 planning permission was sought for the erection of four dwellings on the site (05/00677/OUT). The application was withdrawn so was never determined. In 2009 an application was refused for a 60-bed care home (09/01176/OUT). The reason for refusal was that, in essence, the size of the care home would adversely affect the amenity of adjacent residents and the character and appearance of the area. The subsequent appeal was dismissed.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Strensall Village CONF

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGP4A
Sustainability

CGP15A

Development and Flood Risk

CYH4A
Housing Windfalls

CYH5A
Residential Density

CYNE1
Trees, woodlands, hedgerows

CYHE2
Development in historic locations

CYL1C
Provision of New Open Space in Development

CYT4
Cycle parking standards

CYED4
Developer contributions towards Educational facilities

CYGP1
Design

CYGP10
Subdivision of gardens and infill devt

3.0 CONSULTATIONS

3.1 INTERNAL

Environment, Conservation, Sustainable Development (Landscape) - The proposal is over development. Many of the gardens are far too small to suitably accommodate the protected trees without causing damage or conflict. Also, the buildings are too close to trees, in particular units 6 – 14. One would expect the useable garden area i.e. that outside of the immediate influence of the trees, to match the scale and type of house. The density should be reduced in order to retain significant trees that contribute to the character of the conservation area and the amenity of development. The trees should guide the design so that they appear to be a wholesome part of the designed environment, rather than remnants of a former landscape squeezed inconveniently into a new built environment. The scheme should be redesigned rather than tweaked.

City Development – The site is above the urban area threshold of 0.3ha and therefore 25% affordable housing is required in accordance with the interim affordable housing targets approved by the council's Executive in December 2010.

These targets are set in line with the Affordable Housing Viability Study (2010). Applications that do not meet these targets need to be accompanied by a viability appraisal, which robustly demonstrates why the target is not viable.

Structures and Drainage - No objection. Add standard condition requiring submission of drainage details.

Adults, Children and Education - a financial contribution of £35,117 would be required towards the provision of education. It would be used to cover the cost of two places at Huntington Secondary School. The local primary school currently has enough places to cover the pupils expected as a result of the development.

3.2 EXTERNAL

Police Architectural Liaison - The indicative site layout appears to show good levels of natural surveillance whilst still creating defensible space for occupiers. The development would provide residents with a safe, non-threatening environment in which to live.

Foss Internal Drainage Board (IDB) - Surface water is to be discharged to an existing sewer. This sewer, which is under the control of Yorkshire Water, is now classed as a foul sewer. Surface water discharges to this sewer so Yorkshire Water has approved a discharge rate of 4.00lit/sec. Subsequent discussions with City of York Council have resulted in this rate being reduced to 1.40lit/sec. The Board supports the position taken by the council. Any approval should a condition requiring drainage details including attenuation to be submitted for approval.

Network Rail - No objection to the principle of the development subject to certain detailed requirements being met to protect Network Rail property and the safe operation of the adjacent railway.

English Heritage - No comments.

Public Consultation - The consultation period expires on 8 June 2011. At the time of writing ten objections had been received raising the following planning issues:

Overdevelopment

Too many dwellings

Design out of keeping with the semi-rural area

Inappropriate height/size/scale for street/area

Insufficient space for gardens and green space

Overbearing

Loss of privacy

Loss of sunlight/daylight

Traffic nuisance/congestion

Loss of habitats

Out of keeping with adjacent conservation area

Loss of trees

Damage to trees

Increase in traffic

Highway danger at railway crossing

Inadequate parking
Parking dominates the development
Dangerous access
Danger to pedestrians on Princess Road
Sewage/drainage problems
Drainage attenuation would not work
Increased flood risk
The application should be full not outline
Conflict with PPS3 ('Garden Grabbing')
Conflict with PPS3 (Density)

Members will be advised of any further representations at the meeting.

4.0 APPRAISAL

4.1 THE APPLICATION SITE

The site has an area of 0.51ha and consists of the curtilage of a derelict bungalow in a predominantly residential area. The site lies within the settlement limits of Strensall village and abuts (but lies outside) Strensall Conservation Area. The site is neglected and overgrown. It is occupied by a number of mature trees protected by a preservation order (TPO CYC 53). Immediately to the south is the York to Scarborough railway line. To the east, north and west are one and two storey suburban houses. The public highway at Princess Road runs along the eastern boundary.

4.2 POLICY CONTEXT

Local plan policy 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.

H2a - The council will seek to ensure that proposals for all new housing development of 15 dwellings/0.3ha or more in the urban area and 2 dwellings/0.03ha or more in villages with less than 5,000 population will include affordable housing.

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.

H5a - the scale and design of proposed residential developments should be compatible with the surrounding area and must not harm local amenity. Development densities should aim to achieve, 60 dwellings per hectare in city centre, 40 in urban areas and 30 elsewhere.

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.

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.

ED4 - Any consequences for existing educational facilities will be assessed in accordance with the approved supplementary planning guidance. Where additional provision is necessary as a direct result of the proposal, developers shall be required to make a financial contribution toward the provision of such facilities.

T4 - Seeks to promote cycling and states that all new development should provide storage for cycles in accordance with the standards in appendix E of the Local Plan.

4.3 Key Issues

Principle of Development for Housing
Density of Development
Scale and Impact on the Street Scene
Protected Trees
Neighbour Amenity
Impact on Strensall conservation area
Sustainability
Access and Highway Safety
Ecology and Bio-diversity
Drainage
Affordable Housing
Public Open Space
Education
Archaeology

PRINCIPLE OF DEVELOPMENT FOR HOUSING

4.4 The site is in a sustainable location with good access to shops, public transport and local services. The site was considered during the Strategic Housing Land Availability Assessment (SHLAA - part of the Local Development Framework

evidence base) and has been identified as a possible housing site. The inclusion of sites within this study does not imply that the council would consider planning applications favourably. Although the SHLAA will inform housing allocations it will not determine the allocation of land for housing development. Nevertheless officers accept that the application site is suitable for housing in principle.

4.5 In June 2010 Planning Policy Statement 3 (PPS3) 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. This interpretation has been supported in recent appeal decisions. 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, local authorities are still expected to seek to secure the efficient use of land, whilst focussing 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.

DENSITY OF DEVELOPMENT

4.6 Until PPS3 was revised it included a national indicative minimum density for new housing of 30dph. This has now been removed. Notwithstanding that there is now no national minimum density, PPS1 (Delivering Sustainable Development) and PPS3 still expect planning authorities to set their housing policies to achieve the efficient use of land. Policy H5a accords with this guidance by requiring housing schemes in the York urban area (including Wigginton) to aim to achieve a residential density of 40dph. Nevertheless, this is subject to the scheme being compatible with the surrounding area and not harming local amenity. The current proposal has a density of 28dph, which is below the density specified in policy H5a. Whether or not the proposed density is acceptable will depend on the impact on the character of the surrounding area and local amenity.

SCALE AND IMPACT ON THE STREETSCENE

4.7 The details of the proposed dwellings, including their precise heights and the number of bedrooms, are not part of this application. Nevertheless the applicant's intention is to develop a total of 14 dwellings. Ten would be of detached and 2.5 storeys high; the remaining four would comprise a terrace of three-storey townhouses. The layout before members shows that six of the 2.5-storey dwellings would be along the northern boundary with Orchard Way. The 3-D images accompanying the application show these houses having high eaves and low-pitched roofs, giving the buildings a large, bulky appearance in relation to their overall height. They would also have substantial side projections and narrow gaps between properties. These characteristics would result in the northern side of the

development having a very bulky and unbroken appearance, at odds with the scale of the existing buildings and with the spacious, open character of the area.

IMPACT ON TREES

4.8 Many of the trees within the site are subject to a tree preservation order (TPO). In 2008 the applicant sought consent to remove some of these trees. The council considered the application on its merits in the absence of any firm proposals for the development of the site. Consent for the removal of some of the trees was granted on the basis of reasonable arboricultural management. The approved works have since been carried out. The trees that remain on the site are important for providing an appropriate setting for the development, protecting the amenity of the surrounding residential properties and retaining the character of Princess Road.

4.9 In order to sustain the protected trees they would need adequate physical protection during the development operations. Therefore the council needs to be confident that sufficient space would be retained around the trees for fencing to be erected around the root protection area (RPA) in accordance with British standard 5837 'Trees in relation to construction'. The space should include sufficient room for manoeuvring and construction operations and scaffolding etc. Also, the trees should be retained in ground conditions that would allow them to thrive. For example the proposals should prevent a reduction in water supply to the roots and compaction over the rooting zone.

4.10 Trees also have to be compatible with their new neighbours. The vast majority of people buying a house with a garden expect to be able to use their garden for e.g. play, sitting in the sun, hanging out washing and/or growing plants. If a tree casts shadow over much of the garden and drops seasonal fall, e.g. leaves, seed, aphid sap onto much of the garden area, this creates conflict. Similarly if a tree is large and close to a property it can give rise to concerns over safety (real or perceived), especially in stormy conditions. Subsidence is also a potential risk. A tree only has to be a likely contributory factor, and not necessarily the main cause of subsidence, to warrant its removal.

4.11 Sufficient space must also be retained to accommodate future growth (in particular the large Oak, T9) without the need for the regular cutting back of the crown, which could be a burden to the owner and reduce the longevity and amenity value of a tree.

4.12 The proposal is likely to introduce hard surfacing over the rooting zone of some of the trees, particularly the large Oak (T9, between units 6 and 7). Oaks have high water demand. Currently there is plenty of moisture on the site but the introduction of significant hard surfacing and buildings would alter the levels of available moisture in the soil. This should not be exacerbated with compaction and paving over the RPA of any of the trees.

4.13 Taking all of the above factors into account, the proposal is over development. Many of the gardens are far too small to suitably accommodate the trees without causing the types of conflict described above. Also, the buildings are too close to properties, in particular units 6 – 14.

4.14 The methodology in the arboricultural method statement is suitably detailed in a generic sense however the layout of the site poses far too much risk of detriment and conflict for the trees. Whilst the arboricultural implication assessment makes reference to BS 5837 it fails to consider garden use and other related concerns as outlined in section 6.3 of BS 5837. The trees should guide the design so that they appear to be an integral part of the scheme rather than be seen as remnants of a former landscape squeezed into the new built environment. The density should be reduced in order to retain significant trees that contribute to the character of the conservation area and the amenity of development.

IMPACT ON STRENSALL CONSERVATION AREA

4.15 The boundaries of the conservation area have recently been extended. They now include the public highway in front of the site and the properties on the opposite side of the road, but not the application site itself. The development as proposed is unlikely to have a significant impact on the setting of the conservation area due to the site being set back from the public highway and the tree screening along the boundaries. Any issues of detail that could potentially affect the setting could, if planning permission were to be approved, be dealt with at the reserved matters stage.

NEIGHBOUR AMENITY

4.16 The site abuts residential dwellings to the north and east. The dwellings to the north (Orchard Way) are mainly bungalows; those to the west (Glebe Close) are mainly 2-storey houses. The bungalows at 1 and 3 Orchard Close are likely to be most affected by the development, in particular the detached dwellings at units 1-6. These 2.5-storey dwellings, with high eaves, substantial side projections and narrow gaps between properties would have a very bulky and unbroken appearance, when viewed from the bungalows and their rear gardens. Despite the intervening distance being approximately 27 metres the new dwellings would appear over-dominant and overbearing, to the detriment of the occupiers of the bungalows. Unit 1 would also have an overbearing impact on the occupiers of Greystones, Princess Road. The new building would be 5m from the boundary with Greystones' rear garden. Unit 1 is likely to also cause overlooking of the garden. Careful design of the house at Unit 1 is unlikely to adequately mitigate these impacts, nor would additional screening along the boundary.

4.17 The western corner of the house at Unit 6 would be 3m from the boundary with 7 and 8 Glebe Close. Whilst the aspects are oblique the new dwelling is likely to have an overbearing impact on the occupiers, due to the height and mass of Unit 6 being in such close proximity, particularly to the garden at No. and the extended building at No.8.

SUSTAINABILITY

4.18 The site is in a sustainable location within the settlement limits of Strensall and within walking distance (approximately 350m) of the centre of the village. If

planning permission were to be granted a condition should be attached requiring the development to achieve Code for Sustainable Homes Level 3 and to provide 5% of its energy demand from sustainable sources. These requirements are in accordance with the council's adopted Interim Planning Statement on Sustainable Design and Construction.

ACCESS AND HIGHWAY SAFETY

4.19 The council's highways officers have no objection to the principle of the site being redeveloped for housing, nor to the location of the access. If planning permission were to be granted details of the access, pedestrian footways, turning space, parking layout and cycle storage should be made conditions of approval.

4.20 The increase in vehicle movements is unlikely to have a significant impact on traffic levels in the area, congestion or highway safety. Network Rail have no objection to application or the location of the access.

ECOLOGY AND BIO-DIVERSITY

4.21 The overgrown site provides very good habitat, particularly for nesting birds. Because of this, if planning permission were to be approved any clearance of vegetation as a consequence of the development should be carried out outside of the bird nesting season (1st March to 31st August inclusive). This should be made a condition of approval.

4.22 There are excellent foraging and roosting opportunities for bats in the Strensall area and some within the site itself, particularly to the front (east) of the site. If planning permission were to be approved provision should be made within the buildings to accommodate bats and to further increase the wildlife value of the area. This should be covered by a condition. Suitable measures could include the use of special bat bricks, tiles or bat boxes, which could be easily incorporated into the designs of the new building.

ARCHAEOLOGY

4.23 The site is on the periphery of a medieval village, close to the manor house and the church. The area has not been the subject of any significant recent archaeological investigations. Historic environment records indicate that there is potentially a widespread and well developed late prehistoric and Romano-British landscape in this area. It is probable that features relating to this landscape would be preserved within the application site. If planning permission were to be granted a detailed archaeological watching brief should be carried out on all groundworks associated with the development. This should be made a condition of approval.

DRAINAGE

4.24 The site is in flood zone 1 and should not suffer from river flooding. The application includes a drainage statement, which states that surface water discharge would be restricted 70% of the existing discharge. This accords with PPS25 and the council's standards (in agreement with the Environment Agency and Foss IDB). As

this is an outline application the applicant is not expected, at this stage, to design the drainage works for the development. Nevertheless, they are required to demonstrate that the required drainage works are capable of being provided. The applicant has demonstrated this to the satisfaction of the council. If planning permission were to be granted a condition should be attached requiring drainage details to be submitted for approval.

4.25 Residents are concerned that existing sewerage problems in the area would increase if the application were allowed. Such problems are generally caused by the inadequacy of combined sewers to cope with heavy rainfall. As a consequence the rainfall in the sewers overflows, bringing with it the foul water. This tendency would be reduced by the council's requirement that the surface water run-off be attenuated to 70% of existing.

AFFORDABLE HOUSING

4.26 The site is above the urban area threshold of 0.3ha and therefore 25% affordable housing is required in accordance with the interim affordable housing targets approved by the council's Executive in December 2010. These targets are set in line with the Affordable Housing Viability Study (2010). The 25% requirement equates to the provision of three affordable dwellings within the development plus a financial contribution towards the provision of two further units off-site. Applications that do not meet these targets need to be accompanied by a viability appraisal, which robustly demonstrates why the target is not viable. The application states that only two of the units would be affordable. Whilst discussions with the developer are at a fairly early stage the applicant has not given any commitment to provide a third unit or to make the required financial contribution. Nor has the applicant provided, to date, a viability appraisal. In the absence of such agreement the non-provision of a commitment to provide affordable housing should be included as a reason for refusal.

PUBLIC OPEN SPACE

4.27 The development would require a financial contribution for the provision of public open space in accordance with policy L1 of the Draft Local Plan. The amount of the contribution would depend on the number of bedrooms and the number of units and would be secured by a condition of approval and a section 106 agreement. To date the applicant has not agreed to make a financial contribution. Absence to such agreement should therefore be included as a reason for refusal.

EDUCATION

4.28 The development would also require a financial contribution towards the provision of education in accordance with policy ED4 of the local plan. For the current proposal the amount of the contribution would be £35,117. This would be secured by a condition of approval and a section 106 agreement. To date the applicant has not agreed to make a financial contribution. Absence to such agreement should therefore be included as a reason for refusal.

5.0 CONCLUSION

5.1 The application is considered to be unacceptable due to impact on the character of the area, neighbour amenity and the adverse effect on protected trees. In addition, the applicant has made no formal commitment to provision neither of affordable housing or to make financial contributions towards open space or education.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The Local Planning Authority considers that the proposal is unacceptable due to the location, size, height and distribution of buildings along the north side of the development, which would have an overbearing and over-dominant impact on the amenity and outlook of the occupiers of adjacent residential properties. Thus it would conflict with Central Government advice on design contained within Planning Policy Statement 1 (Delivering Sustainable Development) and policies GP1 (Design) and GP10 (Subdivision of Gardens) of the City of York Draft Local Plan.

2 The Local Planning Authority considers that the proposal is unacceptable due to the density of development and the location, size, height and distribution of buildings, which would be unduly harmful to the character and appearance of the area. Thus it would conflict with Central Government advice on design contained within Planning Policy Statement 1 (Delivering Sustainable Development) and policies GP1 (Design) and GP10 (Subdivisions of Gardens) of the City of York Draft Local Plan.

3 It is considered that the development would be likely to result in the removal of a number of trees that are subject to a Tree Preservation Order, without providing adequate compensation. The density of the development and the arrangement of the proposed dwellings are likely to have a long term detrimental impact on the remaining protected trees due to construction operations and alterations to growing conditions. In addition, the development is likely to result in pressure for protected trees to be felled, or periodically reduced due to dominance, shading, seasonal fall et al. Such tree surgery and/or loss of trees would have a significant detrimental impact on the character and appearance of the area, contrary to policy NE1 (Trees, Woodlands and Hedgerows) and GP10 (Subdivision of Gardens) of the City of York Draft Local Plan.

4 The application does not include a formal commitment by the applicant, under Section 106 of the Town & Country Planning Act, to make a financial contribution towards the provision of public open space or alternative arrangements, contrary to Policy L1c (Provision of New Open Space in Development) of the City of York Draft Local Plan.

5 The application does not include a formal commitment by the applicant, under Section 106 of the Town & Country Planning Act, to make provision for affordable

housing contrary to national advice contained within Planning Policy Statement 3 (Housing) and policy H2a (Affordable housing) of the City of York Draft Local Plan as amended by the Executive decision of City of York Council on 14 December 2010.

6 The application does not include a formal commitment by the applicant, under Section 106 of the Town & Country Planning Act, to make a financial contribution towards the provision of education, contrary to Policy ED4 (Developer Contributions Towards Educational Facilities) of the City of York Draft Local Plan.

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