

COMMITTEE REPORT

Date: 20th September 2012
Ward: Holgate
Team: Major and Commercial Team
Parish: Holgate Planning Panel

Reference: 12/02373/FULM
Application at: James Ashton Playing Field Water End York
For: Water End Flood Alleviation Scheme, incorporating the following elements: construction of a flood wall along the crest of Water End road embankment; construction and operation of a demountable flood defence barrier across the east entrance to Landing Lane from Water End; raising the existing Leeman Road earth flood defence embankment; construction of a new earth flood defence embankment extending from the Leeman Road embankment to Cinder Lane; construction of two flood walls and a ramp at Cinder lane; establishment and use of one main temporary construction compound, two satellite compounds, material storage areas and haul routes; reinstatement of construction working areas; and associated landscaping works
By: Ms Helen Tattersdale
Application Type: Major Full Application (13 weeks)
Target Date: 10 October 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 Various works to raise the height of existing flood defences along the river Ouse and to construct new sections of defence. The purpose is to improve the level of flood protection to 393 residential and commercial properties in the vicinity of Water End. The works mainly comprise:

- (a) Installing a 15m-wide and up to 1.2m-high demountable flood barrier across Landing Lane at the junction with Water End;
- (b) Constructing a 300m-long and up to 1m-high flood wall on the riverward side of Water End road embankment;
- (c) Raising a 150m-long section of the existing Leeman Road embankment by 1.1m. A ramp and timber steps would be provided to enable the public to cross the embankment from Lincoln Street to the river.

- (d) Constructing a new 400m-long flood embankment around around St Barnabas' School to connect with the raised Leeman Road embankment. The embankment would be 2m above ground level where it joins the existing embankment and 1.2m above ground level where it meets Cinder Lane;
- (e) Raising ground levels (by up to 0.5m) and flood walls along the western-most section of Cinder Lane at its junction with Jubilee Terrace to tie-in with the new embankment;
- (f) Provision of a kick-about pitch in the area of open space to the north of the raised section of Leeman Road embankment.
- (g) Temporary use of the former bowling green off Salisbury Road as a construction compound and reinstatement after construction.

1.2 Some additional minor works would be carried out under the Environment Agency's permitted development rights, in particular the provision of three storage cabinets within the Holgate Beck Pumping Station compound at Landing Lane.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

Floodzone 2 GMS Constraints: Floodzone 2

Floodzone 3 GMS Constraints: Floodzone 3

Schools GMS Constraints: St. Barnabas' CE Primary 0224

York North West Boundary GMS Constraints: York North West Boundary CONF

2.2 Policies:

CYGP1 - Design

CYGP9 - Landscaping

CYNE1 - Trees, woodlands, hedgerows

3.0 CONSULTATIONS

INTERNAL

3.1 Highway Network Management - No objections.

3.2 Flood Risk Management - No objections.

3.3 Sport & Active Leisure - No objections.

3.4 Environmental Protection Unit - No objections. Add environmental protection conditions.

3.5 Environment, Conservation, Sustainable Development (Landscape) - A significant number of trees would be lost but the applicant proposes substantial replacement tree planting as compensation/mitigation. The quantity, size, locations and species of the trees provide suitable mitigation for the losses. This should be made a condition of approval. The use of brick to clad the flood wall along Water End is acceptable although concrete would have been preferred.

EXTERNAL

3.6 Holgate Planning Panel - No objections.

3.7 Natural England - No objections.

3.8 Canal & River Trust - No objections.

3.9 YNEP - The scheme is an opportunity to create riparian flood meadow land habitat. The brick wall along Water End would introduce an urban element into what is a relatively green, rural aspect. A green bund with an underlying concrete structure should be provided instead. The necessity of the railing on top of the wall is questioned. The loss of two mature Sycamores (T46 and T47 on the tree constraints plan) could be avoided by minor changes to the bund design.

3.10 Public Consultation - The consultation period expired on 24 August 2012. Two contributions have been received from local residents raising the following planning issues:

(1) Supports the flood defence measures but has concerns about the number of trees that would be removed and the visual appearance of the works. Public consultation/information was inadequate.

(2) Approves of the flood defence measures but the new wall/railings at Cinder Lane should be higher to discourage people climbing over it into neighbouring gardens. Benches, etc should not be placed in this area as they would attract anti-social behaviour.

4.0 APPRAISAL

4.1 KEY ISSUES

- Visual impact
- Neighbour amenity
- Landscaping/trees
- Public consultation

THE APPLICATION SITE

4.2 Approximately 6.1Ha of mainly council-owned public open space bisected by Water End, on the south side of the river Ouse. The site lies between the river to the north and a large, predominantly-residential area to the south. The area has some flood protection measures, mainly the Leeman Road embankment and the Water End road embankment.

POLICY CONTEXT

4.3 The National Planning Policy Framework (NPPF) - There is a presumption in favour of sustainable development which, for decision-taking, means approving without delay development proposals that accord with the development plan (paragraph 14). Where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless: (1) any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or (2) specific policies in the Framework indicate development should be restricted.

4.4 National Planning Policy Framework (Flood Risk) - Local plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply and changes to bio-diversity and landscape. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure.

4.5 National Planning Policy Framework (The Natural Environment) - Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land) providing that it is not of high environmental value. When determining planning applications local planning authorities should aim to conserve and enhance biodiversity. Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats unless the need for, and benefits of, the development in that location clearly outweigh the loss.

4.6 The City of York Development Control Local Plan was approved for development control purposes in April 2005. Its policies are material considerations although it is considered that their weight is limited except where in accordance with the NPPF. The following local plan policies are still applicable:

4.7 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.

4.8 GP9 - Where appropriate, development proposals should incorporate a suitable landscaping scheme that is an integral part of the proposals; includes an appropriate range of species, reflects the character of the area; enhances the attractiveness of key transport corridors; and includes a planting specification where appropriate.

4.9 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.

VISUAL IMPACT

4.10 The flood embankments would be of variable slope to give them a more naturalistic appearance and reduce the engineered look. The impact of the increase in height would be most pronounced at the junction with Water End where it would be 1.1m higher than at present. In some places, namely the northwest end and the eastern end, the flood bank would be kept narrow, with resultant steeper sides, in order to retain the quantity of playing field.

4.11 The wall along the west side of Water End would be 300m long and be clad in brick. The cycle path along Water End would be realigned so that for approximately 150m it would run immediately next to the wall. The top of the wall would be level, resulting in a wall of varying height (up to a maximum of height of 1m) due to undulations in the lie of the land. The wall would be capped by a chamfered, reconstituted-stone coping. The wall would have some impact on the largely-open views from Water End towards the river. However, the wall is needed to for defence against a 1 in 200 year flood. The wall would be no higher than necessary to provide the required level of protection.

4.12 The EA proposes that the coping would be topped by a railing, generally 150mm high. The purpose of the railing is to prevent people walking along the wall and prevent cyclists crashing over it. Whilst the rail is likely to be effective in deterring people from walking along the wall the risk of serious injury in the event of

a fall is likely to be small. Cyclists could accidentally collide with the wall but it is not clear that a 150mm-high railing would do much to reduce any injury. Nevertheless the EA argues that the railing is necessary for public safety. Bearing in mind that the railing would further restrict views towards the river officers are making further enquiries about the need for the railing. Members will be updated at the meeting.

4.13 The new embankment around St Barnabas' School would connect to the existing flood wall along Cinder Lane in a location where it would have the least impact on adjacent residents in Regents Court and Cinder Mews. The wall along the north side of Cinder Lane would be rebuilt to give it greater resistance to flood water but the height would not have to be increased. Reclaimed bricks/copings would be used. The wall on the south side of Cinder Lane, adjacent to Cinder Court, would be rebuilt (again using reclaimed bricks) to a finished height 50mm higher than existing to provide the required defence against flood water. The character and appearance of the wall and railings would be as existing.

TREES AND LANDSCAPING

4.14 The development, would unfortunately, result in the loss of a significant number of trees, but this has to be weighed against the need to protect a large number of properties from potential flooding. The scheme aims to include substantial replacement tree planting as compensation/mitigation. It may also be possible to lift and transplant some of the younger trees planted close to the existing flood bank. The quantity, size, locations and species of the trees provide suitable mitigation for the losses.

4.15 Two mature Sycamores and two mature Limes (T45-T48) adjacent to Water End are likely to be lost as a result of the embankment works. YNEP would like them to be retained. It may be possible to retain the Limes (T45 and T48), but earthworks over the rooting zone are likely to be detrimental to the long term health of the trees. The trees do not justify protection but should be replaced as part of the proposed landscaping scheme.

4.16 The site compound would be located on the existing bowling green, which would be reinstated as lawn for general amenity use until an alternative use has been agreed by the council.

4.17 Victoria Park play area would remain intact and available for use but the BMX track would be removed and temporarily incorporated into the material storage area and haulage route. This would be reinstated at the end of construction either as a new BMX track or as another facility, to the same value, to be agreed with the council.

4.18 The submission states that it is the EA's intention to maintain the new planting for the first five years after planting. This should be stipulated in a landscaping planning condition.

NEIGHBOUR AMENITY

4.19 The impact on neighbouring occupiers would be minor, particularly in comparison to the flood risk benefits for the area. The most affected residents would be the occupiers of Forth Street and Swinerton Avenue, who would be approximately 20m from the raised embankment. Nevertheless, as the increase in height would be no more than 1.1m, the impact would be small. An occupier close to Cinder Lane is concerned that raising the public highway at Cinder Lane by up to 0.5m would make it easier for intruders to climb over their garden walls. The applicant is investigating the extent of any increase in risk. Officers will report at the meeting. A resident close to Cinder Lane has asked that no benches, etc, be placed in Cinder Lane, in order to avoid encouraging anti-social behaviour. The applicant has confirmed that it has no plans for such street furniture.

CONSULTATION

4.20 The EA has been in discussion with the council throughout the development of the scheme and carried out public consultation at key stages. These include public drop-in sessions in March 2010 and January 2012. The purpose of the 2010 session was to explain the need for the defences and provide information about the options assessment and designs. As a result the EA changed the design to prevent seepage beneath the embankment. The 2012 session was for residents and other stakeholders to view the design proposals and provide feedback to inform the final design. As a result the design was revised and assurances given about traffic management, surveys/monitoring, materials and security/privacy. The EA carried out additional consultation - about design revisions - with the residents of Cinder Lane and Government House Road in April/May 2012.

5.0 CONCLUSION

5.1 The works are required in order to improve the level of flood protection to 393 residential and commercial properties in the Water End area. The works have been designed to minimise the impact on neighbouring properties, whilst providing the required level of protection. The proposal accords with the National Planning Policy Framework and relevant policies of the City of York Local Plan and is acceptable. A significant number of trees would be lost. These should be replaced as a condition of approval.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

2 The development hereby permitted shall be carried out only in accordance with drawings 108983-000001/C, 108983-00001/C, 108983-00002/C, 108983-00003/C, 108983-21001/C, 108983-21002/D, 108983-24001/D, 108983-24002/C, 108983-24003/C, 108983-80001/A, 108983-80002/A, River Ouse map1-email.mpd, 108983-22001/C, 108983-22001/C, 108983-22003/C, 2519/002, 4.7.5a, 4.7.5b and 4.7.5c

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscape scheme in accordance with the Landscape Masterplan shown on Figures 4.7.5a, 4.7.5b, 4.7.5c, which shall include the species, stock size, numbers, and position of trees, shrubs and other plants, and seeding mix, and sowing rates. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the substantial completion of the planting and development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing. This also applies to any existing trees that are shown to be retained within the approved landscape scheme.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the entire site, since the landscape scheme is integral to the mitigation and amenity of the development.

4 Tree protection of existing trees shown to be retained shall be in accordance with the submitted 'Arboricultural Implications Assessment Report' dated July 2012.

Reason: To ensure the protection of existing trees during construction.

5 VISQ8 Samples of exterior materials to be app -

6 Before the commencement of development, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust, light pollution and waste disposal resulting from the site preparation, groundwork and construction phases of the development and

manage Heavy Goods Vehicle access to the site. It shall include details of measures to be employed to prevent the egress of mud, water and other detritus onto the public highway. It shall include for the provision of a dilapidation survey of the highways adjoining the site. Once approved, the Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To safeguard the amenity of residential occupants in the surrounding area and in the interests of highway safety.

7 All construction works and ancillary operations which are audible beyond site boundary or at the nearest noise sensitive dwelling, shall be confined to the following hours:

Monday to Friday 07:00 to 19:00

Not at all on Saturdays, Sundays and Bank Holidays (without prior consent from the local planning authority)

Reason: To protect the amenities of adjacent residents

8 All deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08:00 to 17:30

Not at all on Saturdays, Sundays and Bank Holidays (without prior consent from the local planning authority)

Reason: To protect the amenities of adjacent residents

9 In the event that unexpected contamination is found at any time when carrying out the approved development, the findings shall be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment shall be undertaken, and where remediation (clean-up) is necessary, a remediation scheme shall be prepared, which shall be subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared, which shall be subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

INFORMATIVE:

Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part 2A of the Environmental Protection Act 1990.

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 the principle of the use, visual appearance, landscaping, environmental protection and neighbour amenity. As such the proposal complies with the National Planning Policy Framework and policies GP1, GP9 and NE1 of the City of York Local Plan.

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