

COMMITTEE REPORT

Committee: Planning Committee **Ward:** Dringhouses And
Woodthorpe
Date: 25 October 2007 **Parish:** Dringhouses/Woodthorpe
Planning Panel

Reference: 07/01075/FUL
Application at: York College Of Further And Higher Education Tadcaster Road
Dringhouses York YO24 1UA
For: Use of land to south east of site as public open space including
provision of footpaths and associated landscaping and drainage
works (resubmission)
By: George Wimpey Ltd, Shepherd Homes Ltd And Magna Holdings
Ltd
Application Type: Full Application
Target Date: 9 July 2007

1.0 PROPOSAL

1.1 This application has been submitted in conjunction with the "reserved matters" application for the erection of 360 dwellings on the former York College site, which is also considered on this agenda. When outline planning permission was granted for residential development on the York College site, condition 3 required the development to provide a minimum of 1.3 hectares of public open space. This requirement is to be partially addressed by the use of approximately 0.9 hectares of land to the southeast of the college site as public open space. This area of land did not form part of the original outline planning application but was owned by the college and is included within the Section 106 Agreement relating to the development. Under the terms of the Agreement, once the land has been made suitable for use as public open space (by the developer), it will be transferred to the Council and a commuted sum (£61,113) paid towards its future maintenance. The Section 106 Agreement requires all existing buildings to be removed from the site and all drainage works to be carried out prior to it being made suitable for general recreation use and transferred to the Council.

1.2 The application seeks to regularise the situation through the granting of a planning permission and relates to the use of the land (which was previously used as temporary car parking and open space) as public open space and includes the provision of footpaths, landscaping and drainage works associated with the residential development of the adjacent land. The application also includes the provision of a "LEAP" equipped play area within the site.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYL1

Open spaces in new residential devts

3.0 CONSULTATIONS

3.1 INTERNAL

HIGHWAYS

There are no highway objections to the proposals subject to the following conditions:

1. The routes across this open space shall be constructed to a minimum width of 3.0 metres and shall be designed for combined pedestrian and cycle use.
2. Prior to the commencement of any works, details shall be agreed in writing of the following:
 - (a) the specification for the construction work
 - (b) measures to prevent unrestricted access to the route by motor vehicles
 - (c) the date by which the cycle/ pedestrian routes shall be brought into use.

LIFELONG LEARNING AND LEISURE

No objections are raised to an amended plan that has been submitted.

3.2 EXTERNAL

DRINGHOUSES AND WOODTHORPE PLANNING PANEL

No objections

YORKSHIRE WATER

No objections are raised in principle to the drainage strategy proposed by the applicant, insofar as it affects the public sewer network.

ENVIRONMENT AGENCY

No objections are raised to the proposed drainage strategy insofar as it affects this part of the site. The strategy sets out the measures to be included in the drainage

system to limit the final run off rate to no more than the existing rate (agreed at outline stage). It also assesses the impact of the drainage system surcharges and indicates that properties will not be at risk up to 1 in 100 storm conditions, with an allowance for climate change.

STRUCTURES AND DRAINAGE

No objections to the proposed drainage strategy insofar as it affects this part of the site.

LOCAL RESIDENTS

No replies received

4.0 APPRAISAL

4.1 Key Issues

- appropriateness of the proposed use
- internal layout of the open space
- drainage issues

4.2 The application site formed the subject of a Section 106 Agreement entered into by the college, requiring the land to be used as public open space in association with the residential development on the adjacent site. Thus the principle of the proposal would be difficult to oppose at this stage. The site is allocated as "white land" in the City of York Draft Local Plan and has been excluded from the adjacent area of Green Belt.

4.3 The internal layout of the site includes a footpath/cycleway running in a northwest to southeast direction across the site, linking the head of a cul-de-sac with the proposed cycleway link to Green Lane. A further link to the Green Lane cyclepath would be provided along the southern boundary of the site, forming part of a continuous link to Tadcaster Road. A triangular network of footpaths/cycleways is also included around the perimeter of the proposed equipped play area (LEAP). Approximately half of the area would be open, allowing for more informal activities such as ball games. The Head of Parks and Open Spaces raises no objections to this arrangement.

4.5 The footpaths/cycleways have been deflected away from the curtilages of the proposed dwellings (plots 126 - 130), which is considered to be reasonable in the interests of the amenity of the future occupiers. There are no existing trees within the site that need to be felled. However, 38 new trees would be planted within the open space area as part of a comprehensive landscaping scheme for the whole site.

4.6 The open space area would also provide a secondary function in that it would accommodate the underground pipes providing storm water storage during extreme events. The water would be discharged to the public sewer system at a controlled rate equivalent to the existing rate, so as not to exacerbate flooding problems further downstream. During exceptional events, water may pond on the surface of the site,

but these are likely to be comparatively rare and short-lived occurrences. The (AOD) level of the open space would be such that water should not flow back and cause flooding of the proposed dwellings or the existing adjacent properties in Lycett Road. No objections have been raised to this part of the drainage strategy by Yorkshire Water, the Environment Agency or by the Council's Structures and Drainage Engineer. It is proposed that the drainage system would be constructed to a standard that would be adoptable by Yorkshire Water, and thus maintained by them in the future.

5.0 CONCLUSION

5.1 The provision of an area of public open space in this location was a specific requirement of the Section 106 Agreement forming part of the outline planning permission. A sum of £61,113 is to be paid to the Council towards the future maintenance of the area. The layout of the public open space, which includes an equipped play area, is considered to be acceptable. Cycleway links are provided within the area as part of the formation of a continuous link between Tadcaster Road and Green Lane, which will be the subject of a further financial contribution (£53,160). The public open space area also fulfils a secondary role by providing underground storm water storage, forming part of the drainage strategy for the whole site. No planning objections are raised to the proposal.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-

Drawing no. 1950-100 rev X (Site layout plan) received on 20 August 2007

Drawing no. FF428/02 rev E (Existing trees to be removed) received on 23 August 2007

Drawing no. FF428/01 rev E (Landscaping scheme) received on 23 August 2007

Drawing no. 27684/003 Rev J (Drainage Strategy Plan) received on 23 August 2007

Drawing no. 27684/005 Rev J (Outline proposals for storm water attenuation system) received on 23 August 2007

Drawing no. 27684/004 Rev H (Proposed site levels) received on 23 August 2007

Drainage Strategy and Flood Risk rev D received on 1 June 2007

or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans.

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

3 The pedestrian/cycle routes across the public open space shall be

constructed to a minimum width of 3.0 metres and shall be designed for combined pedestrian and cycle use.

Reason: In the interests of the safety of users of the pedestrian/cycle routes

4 Prior to the commencement of any works, details shall be agreed in writing of the following:

- (i) the specification for the construction work of the pedestrian/cycle routes across the site
- (ii) measures to prevent unrestricted access to these routes by motor vehicles
- (iii) the date by which the cycle/ pedestrian routes shall be brought into use.

Reason: To ensure the proper and timely provision of the pedestrian/cycle routes.

5 Full details of the specification of the equipped play area (LEAP) shall be agreed in writing with the Local Planning Authority prior to its construction on the site.

Reason: In order to ensure a proper standard of equipped play area within the site

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:

- appropriateness of the proposed use
- internal layout of the open space
- drainage issues

As such the proposal complies with Policy L1c of the City of York Local Plan Deposit Draft.

Contact details:

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