

00024176B

Land To The West Of Calvert Lane, Kingston Upon Hull, ,

Residential development (outline application - details of access included).

British Rail Board (Residuary) Ltd

SUMMARY

- Outline residential development
- Objections received.
- Recommended for conditional approval.

SITE

Land on the western side of Calvert Lane.

The southern part of the site comprises vacant land which was formerly occupied by Jewsons the builders merchants (and prior to this a railway coal siding). All buildings with the exception of a corrugated iron structure have been removed from the site. The concrete floor slab of previous buildings remains in situ. Surrounding the southern half of the site is palisade fencing some 2.5m high which currently prevents public access onto the site. The southern part of the site is allocated for housing within the Local Plan.

The northern half of the application site is green open space containing grassland, trees, bushes and brambles. It is bisected by the former railway embankment. To the north is the former railway line. The northern part of the site is designated on the Local Plan Proposals Map as existing urban green space, a site of nature conservation interest and forming part of the green network.

To the north of the site is a public footpath beyond which are residential dwellings on Dunston Road and an area of amenity space which is identified as a play area. To the west is an area of amenity space which is outside of the administrative border of Hull City Council. To the south of the site is a grassed area which was previously Trinity House playing fields but now lies vacant. The play area at Dunston Road and the Trinity House playing field are both identified in the Local Plan as existing areas of urban green space.

On the opposite side of Calvert Lane are commercial properties including a car sales showroom as well as semi-detached and terraced two storey housing.

PROPOSAL

Residential development (outline application - details of access included).

The access to the new residential development would be taken off Calvert Lane. T

Although all other matters are reserved for subsequent approval, including details of the layout, scale and appearance of the development and landscaping, an indicative layout was submitted with the application proposing up to 158 dwellings. However, following concerns raised with the proposed (indicative) scale and layout of development a revised indicative layout has since been submitted which shows up to 105 dwellings.

PLANNING HISTORY

15035 - G – various applications for use of site for sale and distribution of solid fuels – approved 1966-70

16026 – Outline application for adjacent supermarket – refused 03.03.1972

24176 - 1. Erection of retail food store (84,570 sq ft total floorspace) and petrol filling station 2. Construction of new access road and car park (750 spaces) 3. Relocation of coal merchant uses 4. Landscaping works 5. Alterations to Calvert Lane carriageway and roundabout at junction of Spring Bank West and Calvert Lane (amended proposals) 6. Construction of cycle track/footpath (amended route) 7. Alterations to junction of Calvert Lane, Anlaby Road and North Road (outline application - details of access and siting supplied) – refused by Secretary of State 03.04.1995

24176A - Carrying out of operations to clear and regrade land, including works to railway bridges to form development site – approved 20.07.1994

26740 - Use of site as builders merchants (temporary) including: (1) use of land for open storage of builders materials (2) erection of portable buildings for use as office and mess (3) erection of store (30.6m long x 15.4m wide; 100ft x 46ft) – approved 07.11.2001

26740A -Use of site and erection of buildings to form builders merchants without complying with condition 10 of approval 26740 (i.e. change opening hours from 0800-1800 to 0700-1800, Monday to Friday) - 06.02.2002

26740B - Continued use of site as builders' merchants (renewal of temporary permission-expiry date, 31 January 2004) – approved 09.03.2004

26740C - Application to renew temporary permission for builders' merchants – refused 05.04.2006 for 2 reasons:

1. The retention of the builders' merchants would be contrary to policies H2 and H3 of the Local Plan which allocates the site for residential development. Non-residential development would prejudice the aims and policies of the Joint Structure Plan and the Local Plan which seek to direct residential development to previously developed sites allocated in the Local Plan.
2. The development is out of character with the predominantly residential area and constitutes a poor standard of development, contrary to policy BE1 of the Local Plan.

07/00292/OTHER (Enforcement Action) - Continued use as builders merchants following refusal of planning permission – case closed 16.10.2007

30054 - 1) re-grading of embankments including removal of bridge over Calvert Lane and removal of abutment walls. 2) erection of 1.8m high timber fence adjacent to Calvert Lane – approved 07.06.2007

REPRESENTATIONS

Environmental Health

Recommend conditions

Urban Forestry

- Layout plan shows that a large part of the designated SSCI will remain undeveloped – which is encouraging.
- However, looking at the density of the development the remaining SSCI would become a quite isolated pocket and therefore there is little doubt that its nature conservation value and biodiversity is likely to be seriously eroded.
- Should be trying to find ways to positively maintain these important links.
- The density of development seems at odds with the character of the surrounding locality
- There should be more useable open space within the development
- The opportunity for landscaping within the site also looks very limited.
- Perhaps some of the tree groups could be retained with a reduction in housing density

Network Rail

No objection.

Yorkshire Water Services Ltd

No objections subject to conditions.

Yorkshire Forward

No observations

Gateway/Pathfinder

Object on the following grounds:

- Permitting a new housing development of this scale i.e. 158 dwellings on this site would provoke direct and substantial competition with development committed in the NaSA area and thus represent a demonstrable risk to public interest
- The clear conflict with policies at national, regional and local levels
- Necessary to support the economic base and hence regeneration
- The absence of any site-related considerations which would alter those conclusions

Highways Development Control

No objection subject to conditions

Environment Agency

No objection subject to conditions.

East Riding Of Yorkshire Council

No objection under the presumption that will consult with the Police Architectural Liaison Officer to help design out crime along the long open pedestrian links between the site and Anlaby Common
Humber Design Review Panel:

- Concerned with regard to awkward relationship between the site and the neighbouring land to the north and south
- Development is crammed onto a slim site wedged between neglected greenspace to the south and an embankment of nature conservation value to the north
- Dwellings are arranged with their rears against the green space which would not be conducive to well used and safe green spaces
- The development of this plot in isolation would produce an unsatisfactory outcome especially in its relationship with the open space and prospects for the open space itself
- Panel considered 2 alternative solutions
- The first would enable the land to the north and south to be resolved as part of the housing proposal. Relocation of part of the housing onto the southern land would permit the greenspace to be better distributed throughout the overall development linking into the embankment spaces
- It should also include an explicit commitment to treatment and ongoing management of the northern embankment which should be retained and managed as a nature conservation area
- The second solution arose out of concern for the orientation of the housing adjacent to the southern open space with “roads to nowhere” which could remain forever if development to the south never took place. Should introduce a road along the southern boundary with the housing facing onto it and overlooking the green space to give better surveillance
- In the second option would be essential that the greenspace be formed into and maintained as a proper amenity space or park
- Concerned that the development encroaches onto the nature conservation area along the northern embankment
- The housing at the western extreme of the layout should be omitted to preserve the nature conservation designation
- The location of the western cluster of housing also takes the penetration too far into a long thin plot
- Applicant should provide plans for the area of nature conservation to the north – as it is within the red line
- A “quasi home zone” approach should not be attempted as the pressure of vehicles attempting to travel the full length of the development would be incompatible with the calm living spaces envisaged at intervals along the road’s length
- A single purpose vehicular access with separated footpaths was required with a series of offshoots which could become the living space or home zones

Yorkshire Wildlife Trust

- D & A statement sets out that the area to be developed is close to sites which are part of Hull’s green corridors
- The statement does not give any detail on how the development will enhance and connect with nearby Sites of Importance for Nature Conservation (SINC)
- Would expect to see more thought as to how the development can be designed with green infrastructure which will compliment and connect to the surrounding environment
- Will be important that SINC are buffered from the development in an appropriate way so that they are enhanced rather than damaged by proximity
- May also be important that consideration is given to management of land outside the development footprint so that connections are maintained to the wider network in Hull
- The Calvert Lane railway sidings were specifically mentioned as being a very valuable site in the 2008 report by Penny Anderson Associates
- The Ecological Assessment of the development appears to be very thorough and provides a clear picture of the importance of the area for biodiversity

- Would hope that the extra checks and surveys suggested in the report will be
- Carried out including for breeding birds, reptiles and flora
- Also as the survey was carried out in 2009 they may need to check as to whether there have been any significant changes since then
- Would expect a detailed habitat creation and management plan for the site with sufficient funding to ensure biodiversity is protected and enhanced

9 letters of objection from neighbouring properties:-

- overlooking
- noise pollution
- increase in flooding
- overloading of drainage system
- loss of trees and natural habitats
- Provision of access off Calvert Lane to new houses is dangerous
- more logical to have the access off Spring Bank West
- will lead to further traffic congestion and delays on the inner ring road
- increase risks to highway safety and potential accidents as road is already narrow and barely enough room for a footpath so more traffic would increase the risk to pedestrians
- loss of green space and natural drainage
- doesn't appear to be any plans to widen or improve Calvert Lane
- there is a fire station close to the proposed access which could be affected by increased traffic congestion within the immediate area, particularly appliance response times to incidents where route is required via the roundabout intersection with Spring Bank West/Willerby Road

APPLICANT'S CASE

Supporting statement, Design and Access statement, flood risk assessment, ecological assessment, arboricultural implications assessment, transport assessment, pre-liminary geoenvironmental appraisal.

Design & access statement concludes:

- the proposal achieves an efficient layout resulting in more economical use of previously developed land
- the proposal involves the introduction of up to 158 two to two and a half storey houses which creates a more interesting and varied streetscape and provides for an increased mix of households and much needed family housing
- the proposal would result in a well planned residential development which echoes the local vernacular and will be easily absorbed into the surrounding area
- the proposed development has been designed to function well and has considered the opportunities available for improving the character and quality of the area
- the proposed development addresses the needs of all in society and is accessible, useable and easy to understand

Planning statement concludes:

- it has been demonstrated that the proposal is in compliance with national planning guidance and the provisions of the development plan
- the development will provide a wide choice of housing types and sizes including much needed family housing and affordable residential units
- the development will provide an efficient use of a currently wasted resource, regenerating a vacant, brownfield site within a sustainable location in the urban area of hull
- the scheme therefore meets the locational requirements of the development plan

- obtaining planning permission on the site will meet the council's desire to bring this site forward for residential development
- this is evidenced by its refusal to grant further temporary planning permission for the builder's merchants and the subsequent enforcement action to remove this use from the site
- redevelopment of the site will improve the local amenity space and provide the opportunity of a cycle path along the former railway line improving access to the urban greenspace within the local vicinity

PLANNING FRAMEWORK

Regional Spatial Strategy (May 2008):-

YH4 – regional cities (including Hull) and sub-regional cities and towns should be prime focus for housing, employment etc; they will be transformed into attractive, cohesive and safe places.

HE1C - improve the environment; enhance biodiversity; develop renewable energy potential, improve air quality;

HE1E - focus most development on Hull, Scunthorpe, Grimsby/Cleethorpes; manage housing in Hull to reduce housing development in East Riding; manage flood risk;

ENV1 – manage flood risk proactively by reducing the causes of flooding and avoid development in high risk areas where possible.

ENV5 – maximise energy efficiency and increase renewable energy capacity (Humber targets 124MW to 2010, 350 MW to 2021).

ENV8 – safeguard and enhance biodiversity and geological heritage.

H1 – improve and increase housing stock.

H2 – prioritise housing development on brownfield land (target 65%).

H3 – support release of housing land in areas where market intervention is taking place, including Gateway Hull;

H5 – provide for a mix of housing.

T1 – reduce travel demand. Shift to modes with lower environmental impact.

T2 – maximum parking standards. Reduce long stay parking. Increase park and ride facilities.

Joint Structure Plan (June 2005): -

ENV2 – manage and protect sites of strategic nature conservation importance

ENV4 – maintain and enhance integrity strategic habitat corridors

Local Plan (May 2000): -

Identified in the Local Plan as a housing allocation, existing urban green space, site of nature conservation interest and green network

G1 – Unless material considerations indicate otherwise:

development complying with plan allowed,

development complying with some policies allowed if benefits outweigh disbenefits

development not complying with plan not allowed

G2 – Allow development subject to location and detailed considerations being acceptable.

G4 – Compatible with predominant land use

ME14 – Protect and manage trees.

NE1 - Protect Urban Greenspace above 0.25 ha

NE3 - Urban Greenspace - (i) overriding justification, (ii) equivalent community benefit

NE6 - Standards for Urban Greenspace and children's playspace.

NE8 – (a) Development resulting in loss of outdoor sport and recreation facilities only allowed if:

- i) excess of sport/recreation facilities in area;
- ii) redeveloping small part of site best way of retaining/improving remainder; or
- iii) alternative equivalent community benefit provided

(b) Providing new, and improving existing outdoor sport and recreation facilities encouraged.

NE13 – Protect Green Network and support improvement.

NE14 – Protect SNCIs

NE15 - (a) Support improving the nature conservation value of site,

(b) Demonstrate consideration of nature conservation

NE18 - (a) Protect trees of significant amenity value,

(b) Make TPOs

BE1 – Seek high standards of design

BE2 - High standards of energy efficiency promoted

BE3 - Quality of housing developments

BE6 - Good landscaping required

BE12 - Minimise opportunity for crime

M2 - (a) Allow development which minimises travel.

(b) Encourage facilities locally.

(c) Allow major development in public transport corridors or City Centre.

(d) Allow housing where public transport good.

(e) Mixed use development encouraged near transport centres, corridors or city centre. (f) Allow freight movements near rail, water or primary route.

M12 - Protect land for proposed cycletracks and footpaths.

M29 - (a) Development allowed if access, servicing and parking satisfactory.

(b) Traffic generation and road safety must be acceptable.

M30 - Development outside City Centre to meet parking standards in table M1.

H1 - Allow housing subject to detailed considerations

Other Material Considerations:-

Hull Core Strategy Publication Version – June 2011

CS1/9 – 10 Housing - Housing renewal supported in Newington and St Andrew’s and Holderness Road Corridor areas. Support given to renewal in Orchard Park and North Bransholme. Major housing development focused in City Centre, at Kingswood, in housing renewal areas, and on committed sites. Housing in other locations appropriate if does not undermine the housing renewal areas and other identified housing priorities.

CS3/1 Housing delivery to meet need and to create a more balanced mix of housing which provides greater choice will be achieved by 1088 (net) additional dwellings per year; addressing imbalances in the current stock; providing aspirational family housing (67% of new dwellings to have at least 3 bedrooms); 63% of housing on previously developed land and reducing long-term vacancy levels by an average of 100 dwellings a year

CS3/2 – 4 Design and density - make most efficient use of land while having regard to the character of area. Densities in the range of 30–40 dwellings per ha to support delivery of family housing (unless site or development justifies otherwise). Housing expected to meet at least 14 of the 20 Building for Life criteria. Make provision for Lifetime Homes, or justify why it is not viable to do so.

CS7/1 Development supported if meets Local Standing Advice on flood risk, including addressing the sequential approach within the locally defined Flood Zone 3a sub-areas.

CS8/1 Development on open space will only be allowed in exceptional circumstances and if an overriding justification can be demonstrated. In such cases it will be necessary to either provide new or

improve existing open space. This should be within the locality and be of at least equivalent community benefit.

CS8/2 Development that increases the demand for open space will be expected to address this demand in line with locally defined standards.

CS8/3 Proposals weakening green network not be supported. Opportunities sought to improve green network.

CS8/4 Biodiversity - Proposals will be supported that protect, restore, enhance habitats and species

CS8/5 Sites of Nature Conservation Interest protected from development that would adversely affect value. Their improvement supported.

CS9/3 New buildings required to meet up-to-date and sustainable building standards unless proven not feasible or viable. Dwellings to achieve a minimum of Level 3 of the Code for Sustainable Homes increasing to Level 4 in 2013 and Level 5 in 2016. Non-residential buildings, hotels and residential institutions to achieve a minimum of 'Very Good' BREEAM rating increasing to 'Excellent' in 2013 and 'Outstanding' in 2019.

CS9/4 Development must not have adverse impact on groundwater quality.

CS9/4(ii) Development of 10 or more dwellings or 1000 sq m or more non-residential floorspace should reduce its predicted carbon emissions by at least 10% by using on-site renewable or low-carbon energy technology. If not feasible equivalent off-site contributions will be required or equivalent reduction in carbon emissions by improving on Building Regulations.

Draft National Planning Policy Framework

14. Presumption in favour of sustainable development. LPAs should approve development proposals that accord with statutory plans without delay; and grant permission where the plan is absent, silent, indeterminate or where relevant policies are out of date.

18. Development should recognise and respond to the needs of communities. Development should be of good design and appropriately located.

19. (i) Planning should meet the housing, business, and other development needs of an area, and respond positively to wider opportunities for growth. Decision-takers at every level should assume that the default answer to development proposals is “yes”, except where this would compromise key sustainable development principles.

19 (vii) Planning decisions should always seek to secure a good standard of amenity for existing and future occupants of land and buildings.

86. All developments that generate significant amounts of movement should be supported by a Transport Statement/Assessment. Planning decisions should consider whether the opportunities for sustainable transport modes have been taken up; safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network. Development should not be prevented or refused on transport grounds unless the residual impacts are severe.

90. All developments which generate significant amounts of movement should provide a Travel Plan.

107. The Government's objective is to increase significantly the delivery of new homes. This means increasing the supply and choice of housing, widening opportunities for home ownership; and creating sustainable, inclusive and mixed communities, including through the regeneration and renewal of areas of poor housing.

114. The planning system should promote good design that ensures attractive, usable and durable places.

116. Planning decisions should aim to ensure that places function well and add to the overall quality of the area; create and sustain an appropriate mix of uses (including green/public space); support local

facilities and transport networks; respond to character and identity of local surroundings (while not preventing appropriate innovation); create environments where crime and disorder, and the fear of crime, do not undermine quality of life; and are visually attractive as a result of good architecture and appropriate landscaping.

119. Planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

129. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless an assessment shows them to be surplus to requirements; or the need for and benefits of the development clearly outweigh the loss.

148. The planning system should secure radical reductions in greenhouse gas emissions; support energy efficiency improvements; the delivery of renewable and low-carbon energy infrastructure; minimise vulnerability and provide resilience to climate change; direct development away from areas at highest risk of flooding; or where development is necessary, making it safe without increasing flood risk elsewhere; reduce risk from coastal change.

157. LPAs should ensure flood risk is not increased elsewhere. Only consider development in flood risk areas appropriate where informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test. Within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location. Development should be appropriately flood resilient and resistant, including safe access and escape routes where required give priority to the use of sustainable drainage systems.

164. The planning system should aim to conserve and enhance the natural and local environment by protecting valued landscapes; minimising impacts on biodiversity; preventing both new and existing development from contributing to or being put at risk from land, air, water or noise pollution or land instability.

169. LPAs should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused
- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted
- opportunities to incorporate biodiversity in and around developments should be encouraged
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats.

Planning Policy Statement 1: Delivering Sustainable Development

High quality and inclusive design should be the aim of all those involved in the development process... ensuring that developments...create safe and accessible environments where crime and disorder or fear of crime does not undermine quality of life or community cohesion.

Section 17 of the Crime and Disorder Act 1998 requires all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder.

Safer Places- the Planning System and Crime Prevention (ODPM/Home Office, 2003)

Where proposed development would undermine crime prevention or the promotion of community safety and the concerns are relevant to land use planning, the application could be refused planning permission where refusal is consistent with the development plan

PLANNING APPRAISAL

Principle of development

This application is in outline form with only details of access submitted at this stage, with matters including the layout, scale and appearance of the housing and landscaping to be reserved for subsequent approval. However an indicative layout was submitted with the application. This showed housing to be located on the southern part of the site extending into the north western side of the site.

The southern part of the site which covers an area of approx. 3.10 ha is allocated for housing in the Local Plan. This land is considered to be brownfield and therefore its development would go towards meeting the target of 63% of housing to be built on previously developed land in line with policy CS3 of the Core Strategy Publication Version.

The northern part of the site which covers an area of approx. 3.3 ha is identified on the Local Plan proposals map as an existing area of urban green space (site NE43), a site of nature conservation interest (SNCI) and as forming part of the green network.

Policy NE1 of the Local Plan sets out that development of urban green space 0.25 ha and above will not be allowed if this results in an adverse effect on nature conservation or the loss of a link between other areas of urban green space. Policy NE13 sets out that the green network will be protected from development seriously adversely affecting its continuity and value and that improvements to it will be supported. Policy NE14 sets out that sites of nature conservation interest will be protected from development adversely affecting their identified nature conservation value and that the improvement of these sites will be supported.

In 2008, ecologists Penny Anderson Associates (PAA) undertook a review of the city's SNCIs. This involved Phase 1 habitat surveys. The site at Calvert Lane (site NE 43) scored extremely highly, and was ranked second highest overall in the city. Comments that the site assessor made include: "the grassland and woodland are outstanding in the city", and "An important site which is well connected to the rest of the city via the rail network".

PAA concluded that, "This site may be a candidate for Local Nature Reserve (LNR) status." It should be noted that the city currently has no LNRs. In seeking to improve the biodiversity, quality of life, and image of the city, the Council is hoping to designate LNRs in the near future. It would therefore not be appropriate at this stage to lose one or a part of the highest scoring ecological sites which has the potential to become an LNR.

Also in 2008, open space consultants PMP undertook a PPG17-compliant open space assessment of the city. This took into account all the existing open space in the city and compared it to the feedback they received from their consultation exercises. From this they created a set of open space standards for the city. The Council's Cabinet, Planning Committee, and Area Committees have all agreed this assessment and its local open space standards as material considerations in the determination of planning applications.

Analysis of existing provision compared to the adopted standards show that the city has a 20.9 ha deficit of open space overall. Site NE 43 is in the West committee area. Analysis shows that the West area has a deficit of 3.33 ha of open space overall, which includes a deficit of 4.18 ha of natural / semi-natural open space. Therefore, in simple quantity terms it would not be acceptable to lose site NE 43, or a portion of it, without equivalent quantity and quality being made up elsewhere.

Site NE 43 is also part of a long chain of sites that links green space outside of the city boundary right through to the General Cemetery near to the city centre. The original indicative layout would almost entirely build across the part of the green corridor immediately adjacent to the city boundary which would seriously adversely affect the continuity and value of the green network.

In light of the nature conservation importance of the area of urban green space outlined above and in line with policies NE1, NE13 and NE14, there should therefore be no housing located within that part of the site that is identified as urban green space. A revised indicative layout has been submitted which showed the previous housing located within this area of urban green space removed. However, as this is only an indicative layout and as the red line for the application site includes both the allocated housing land and the urban green space, a condition should be attached to any permission to ensure that no housing is located within the area of urban green space. Instead conditions should be attached which show how this area of urban green space will be protected and managed to ensure better access to it.

The site is located within close proximity to services and facilities on Spring Bank West and Anlaby Road with a doctors surgery located within 150m of the site on Calvert Lane. There are bus stops located along Calvert Lane, as well as on Anlaby Road and Spring Bank West. The site is therefore accessible by means other than the private car and subject to a condition restricting the location of the housing within the site, is considered to be a sustainable location for housing. The predominant character of the area is residential and therefore further housing would be compatible with this.

As set out above, the layout is only indicative, however it would suggest that a density of between 30 and 40 could be achieved on the site. The Local Plan allocation suggests that a figure of 115 dwellings which would result in a density of 37 dwellings per hectare could be accommodated on the site. The latest indicative layout shows that up to 105 dwellings could potentially be accommodated on the site. This would generally be in line with policy CS3 of the Core Strategy Publication Version, and the Local Plan.

The proposal has to be assessed in terms of its impact on the regeneration scheme in the Newington and St. Andrews area.

The indicative layout shows that the potential number of dwellings on the site has been reduced from 158 to 105 and this figure may well reduce further in the detailed drawing up of the layout. The applicants would be willing to accept a condition relating to the mix of properties, restricting the number of 2 bedroom properties to 25% with 50% of properties to be 4+ bedrooms. This would therefore ensure that more than 63% of dwellings on the site would have at least 3 bedrooms, in line with policy CS3 of the Core Strategy Publication Version. It is considered that subject to such a condition being attached to any permission, the proposed development would not cause significant harm to the regeneration programme in the Newington and St. Andrews area.

It is therefore considered that with suitable conditions regarding the location and type of housing, residential development would be acceptable in principle on this site.

Equalities

This proposal has been considered against the duty of the Council to consider equality issues. This development is considered to comply with these requirements, subject to appropriate conditions.

Biodiversity

An ecological and arboricultural implications assessment has been submitted as part of the application.

The arboricultural implication assessment sets out that 4 trees, 13 tree groups, and parts of 3 further tree groups would require removal to facilitate the development proposals. With a condition restricting housing to the southern part of the site, more of the trees may well now be retained. As the layout submitted is only indicative, it is considered that some of the tree groups could be retained as part of the scheme to provide more green linkages through the site and this should be investigated as part of the development brief which is required to be submitted by condition.

The Ecological Assessment of the development site is very thorough and provides a clear picture of the importance of the area for biodiversity. Further checks and surveys should however be carried out prior to any development including for breeding birds, reptiles and flora which would have been missed previously due to the timing of the Phase 1 survey. Also as the initial survey was carried out in 2009 there may be a need to check as to whether or not they have been any significant changes since then to ensure that biodiversity is protected and enhanced.

Given the biodiversity and ecological value of the site, a management plan is also required for the site and in particular the SNCI, to set out how the site will be protected, enhanced and how access to it will be improved.

Given the details of the proposal, the characteristics of the site and subject to conditions it is considered that there would be no adverse impact on areas or species of ecological significance.

Crime and Disorder

Given the nature of the proposal it is considered that there would not be, or likely to be, an increase in crime or disorder or the potential for such an increase subject to an appropriate layout which will be subject to a detailed application.

Energy efficiency and renewables

The core strategy publication version includes policies relating to the energy efficiency of all new houses and to the generation of on site renewable energy for all development over 10 houses. These matters can be addressed by condition.

Highway Safety and parking

A transport assessment has been submitted with the application to examine the transport and highway implications of the proposed development. The report indicates that a development of up to 158 dwellings would have no material traffic impact on the performance of the nearby junctions if certain mitigation measures are put in place. From a highways point of view, there should therefore be no more than 158 dwellings on the site. However, for other reasons, such as design, layout and nature conservation reasons less than 158 dwellings on the site would be appropriate.

Access to the site is proposed to be off Calvert Lane. A right-turn lane would be provided in order to accommodate traffic entering the site. Parking provision would be provided within the curtilage of each property generally offering two spaces per dwelling. Parking provision should be made in accordance with Local Plan guidelines which specifies 2 spaces per detached and semi-detached property and 1.5 spaces per terraced property. The detailed design and layout of roads within the site and serving the dwellings should be conditioned for subsequent approval.

Off-site improvements would also be made to the Calvert Lane and Spring Bank West arms of the junction including a short two lane approach on Calvert Lane to offer increased capacity and lane utilisation.

There is no objection from Highways DC to the conclusions of the transport assessment and the proposal subject to conditions.

Policy M12 of the Local Plan seeks to protect land required for future cycle tracks and footpaths, which includes along the former railway embankment within the application site. As there would be no residential development within the northern part of the application site, the future provision of this cycle track and footpath would not be compromised by the development.

The planning statement submitted with the application sets out that the applicants are currently in consultation with Sustrans in relation to providing a cycle path. The standard and exact route of this path could be conditioned as part of any permission. The proposal would therefore comply with policy M12 and would provide further interconnectivity with the development and the wider area.

Flood Risk

The site is located predominantly within flood zone 3a (i) of the high risk area of the national high risk flood zone, as identified by the Environment Agency.

The Environment Agency has no objection provided that the finished floor levels are set 300mm above existing ground levels with a further 300mm of flood proofing and a place of safety at 5m AOD. There must also be no single storey dwellings, or ground floor flats. Flood-proofing measures should also be incorporated into the development. This can be dealt with by condition. The EA has also recommended conditions relating to groundwater and contaminated land and biodiversity.

In terms of the sequential test, the applicants have identified 18 sites of similar size which as identified within the SHLAA are likely to come forward within 5 years. None of these sites fall within a lower flood risk zone. The conclusions of the sequential test are considered to be reasonable, and it has therefore been demonstrated that there are no sequentially preferable sites which could accommodate the proposed development and it therefore passes the sequential test.

In terms of the exceptions test that part of the site on which housing is considered to be acceptable is previously developed, there are wider sustainability benefits in providing new good quality family accommodation within a predominantly residential area close to local facilities and transport links, and the site can be protected from flooding.

On balance it is considered that the proposal would pass the flood risk tests.

Design and Conservation

The site is not located within a Conservation Area.

As the development is in outline form with only details of access submitted, matters relating to layout, scale and appearance of the development and landscaping are reserved for subsequent approval.

However, an indicative layout plan has been provided. It is important at this stage to set parameters, by way of planning conditions, for the details of the development.

More consideration needs to be given to the layout of the proposed development, particularly in terms of how any dwellings relate to the site of nature conservation interest (SNCI) within the application site and the urban green spaces adjacent to the application site.

Suitable buffer zones should be provided so that any residential development enhances rather than damages these important spaces. Consideration should also be given to the management of the SNCI and creating linkages through the residential part of the development into the urban green spaces and green networks and beyond.

There is a footpath to the north of the application site, and opportunities are available to link the development site up to these footpaths and into the urban green space and green networks to provide a pleasant logical linkage to these open areas.

There is also an opportunity to retain more of the existing landscaping and tree groups within the site in order to maintain these green linkages through the site. It is therefore considered that given the size of the site and the development a development brief should be prepared giving details of how these issues will be addressed in the layout. The development brief should be submitted at the same time as a reserved matters application and can be the subject of a condition.

The predominant character of housing within the area is 2 storey. The development proposes two storey dwellings with some accommodation within the roof space. This would be appropriate in this location and compatible with the surrounding scale and mass of development and should be conditioned as such.

The proposal would include a mixture of detached, semi-detached and terraced properties which would be compatible with the general type of development within the area.

Residential properties within the area are generally constructed with red brick and grey roof tiles with hipped/pitched roofs. Existing properties along Calvert Lane are characterised by bay windows, porches and front gables. These materials and characteristics could be displayed/interpreted in the new dwellings and this should be considered as part of the development brief.

The nearest dwellings to that part of the site which is allocated for and considered suitable for housing are over 100m to properties to the west on East Ella Drive and to the south on Arcon Drive, over 60m to the properties to the north on Dunston Road, with the properties to the east being located on the opposite side of Calvert Lane. They are all considered to be a sufficient distance away to not be adversely affected by the new development in terms of overlooking/loss of privacy. There are changes in land levels on the site due to the presence of the railway embankment, therefore in order to protect the amenities of neighbouring residential properties and the amenities of future residents of the dwellings, the land levels and potential layouts which minimise impact on neighbouring properties and

between the new dwellings should be considered as part of the development brief and cross section drawings should be provided through the site.

Obligations

As set out above a condition is to be attached to any permission restricting the location of any new dwellings to that part of the site which is allocated as housing. There would be no loss of existing urban green space and therefore no requirement to replace any lost urban green space.

There is a requirement however, in line with Local Plan policy NE6 for new urban Greenspace and children's play space to be provided for the new dwellings.

The Council's parks and gardens section consider that it would not be appropriate for a children's play area to be located within the development and if one was located within the application site it would be unlikely to be adopted by the Council. This is due to the closeness of the application site to the existing play area on Dunston Road which has recently been upgraded. It would therefore be appropriate for a financial contribution to be made by the developer equal to the cost of the provision which could be used to further upgrade play provision within the vicinity.

In terms of new urban green space, this could be provided on site, subject to the size, siting and design, or like the children's play space, a financial contribution could be made equal to the cost of the provision. This could then be used either to upgrade an existing area of urban green space, which could include the SNCI within the application site, or to create a new area of urban green space elsewhere. Alternatively, it could be a combination of the above. This however could be worded appropriately within a legal agreement under Section 106 to ensure that the appropriate provision is provided.

SPG note 27 (waste and recycling) requires new developments to include space for recycling bins and the provision of recycling bins. This can also be addressed as part of the legal agreement.

Conclusion

The residential development of part of this site, with the remainder being protected and enhanced for its special nature conservation value would be appropriate and would comply with national and local policies for the best use of urban land, and, subject to details of details of the layout, scale and appearance of the development and landscaping which should be given further consideration through the provision of a development brief will represent an improvement to the local environment and the amenities of residents.

It is therefore recommended that the application be approved.

RECOMMENDATION

- (1) That the application be approved subject to a legal agreement to secure urban green space, children's play space and recycling bins and facilities
- (2) That if the legal agreement is not signed within 6 months of the date of the approval the City Planning Manager be authorised to refuse the application if he considers it appropriate
- (3) That subject to the above the application be approved for the following reason : -

1 The residential redevelopment of the site would represent an efficient use of urban land and would, subject to details, have an acceptable impact on the site, surrounding area, the amenities of local residents, and highway safety, and would comply with policies ENV2 and ENV4 of the Joint Structure Plan and policies G1, G2, G4, NE1, NE6, NE13, NE14, NE15, BE1, BE3, M29 and H1 of the Local Plan

And subject to the following conditions:-

1 DET1A(development to accord with plans)

2 DET3A(Time limit - outline applications)

3 DET4A(Reserved Matters)

4 DES2(Details of materials)

5 DES3(Surfacing materials)

6 Before the development begins details of existing and proposed ground levels on the site, including cross sections through the site and finished floor levels of buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved (in the interests of visual and residential amenity and to comply with policy BE1 of the Local Plan).

7 NE2A(Landscaping Scheme-Existing trees)

8 NE3(Tree and Hedge Protection)

9 A management plan for the Site of Nature Conservation Interest (SNCI), including long term design objectives, management responsibilities and a schedule of maintenance (which shall include details of the arrangement for its implementation) for a minimum of 10 years, shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The management plan and maintenance shall be carried out as approved (to ensure landscaped areas are maintained to a suitable standard, and to comply with policy NE21 of the Local Plan)

10 NE11(Habitat/species protection)

11 ENCL1(Means of enclosure required)

12 REFUS3(Storage of Refuse, Scheme)

13 Any new houses, ancillary buildings and residential curtilages shall only be located within that part of the site which is identified on the Local Plan proposals map as being allocated for housing. There shall be no new houses, ancillary buildings and to residential curtilage located within that part of the site which is identified on the Local Plan proposals map as existing urban green space (in the interests of environmental protection and to comply with policies NE1, NE13, NE14 and NE15 of the Local Plan).

14 The residential development hereby approved shall comprise no more than 25% of 2 bedroom dwellings and shall include a minimum of 67% dwellings with 3 bedrooms or more (in order to provide a good mix of housing and so as not to undermine the delivery programme of the housing renewal areas and to comply with policies CS1 and CS3 of the Core Strategy and H1 of the Local Plan).

15 The reserved matters application shall include the submission of a development brief for the development of the site. The brief shall include:

- An assessment of the existing and adjacent site characteristics and details of the new dwellings and their siting to best interact with and address these characteristics, including any necessary buffer zones between any natural and built features
- details of all trees and hedges to be retained on and at the boundaries of the site
- details of the plot sizes and locations
- the number of dwelling on the site, taking into account highway capacity (max 158 dwellings) and the requirements of conditions 13 and 14 of this approval
- location of buildings within plots
- building lines
- maximum heights
- other design considerations, including roof styles and types, chimneys, windows and other architectural detail
- layout of access roads and location, traffic calming
- size and layout of any public open spaces and linkages through the site, including the provision of new footpath and cycle tracks
- palette of building materials including surfacing materials
- treatment to front boundaries
- landscaping
- distances between proposed and existing dwellings
- details of existing and proposed land levels including cross sections
- energy efficiency and water conservation
- details of Phasing, particularly advanced road ways, advance planting and boundary treatments
- Management and Maintenance of public open spaces, including the SNCI and landscaping and details of provision for improving access to the existing and proposed areas of urban green space;
- Arrangements to mitigate any harm to the Site of Nature Conservation Interest and adjacent areas of urban green space
- the location of any compound required for the construction period, including access for deliveries and parking arrangements for contractors and visitors.

The development shall be carried out in accordance with the approved development brief (in the interest of visual and residential amenity and to comply with policies G3, BE1, BE2, BE3, H1, ME1 and NE15 of the Local Plan)

16 Unless otherwise agreed in writing with the Local Planning Authority, the residential development hereby approved shall not exceed 2 storeys (with accommodation in the roof) in height (in the interests of visual and residential amenity and to comply with policies BE1 and H1 of the Local Plan).

17 FLOOD1(Flood risk- 300mm)

18 FLOOD4(Flood Risk)

19 FLOOD3(Flood Risk - 5m)

20 There shall be no single storey dwellings or ground floor flats (to minimise the risk from flooding and to comply with policy G2 of the Local Plan and PPS25)

21 CLC1APhase 1 Desk Study Report

22 CLC2Areporting of unexpected contamination

23 CLC4ASUBMISSION OF TEST CERTIFICATES FO

24 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details (to reduce the risk of pollution to controlled waters to an acceptable level and to comply with policy H1 of the Local Plan)

25 Prior to the commencement of development, a detailed method statement for the removal or long term management/eradication of Japanese Knotweed on the site shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures to prevent the spread of Japanese Knotweed during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds/root/stern of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement (as Japanese Knotweed is an invasive plant, the spread of which is prohibited under the Wildlife and Countryside Act 1981 and to comply with policy H1 of the Local Plan).

26 Details of construction and demolition methods (including the methods of piling), and measures to minimise the emission of noise and dust from the site shall be submitted to and approved in writing by the Local Planning Authority before the construction commences and shall be carried out in accordance with those approved details. (a Construction works that are audible at the boundary of the site shall not take place outside 07.30 to 19.30 hours on Monday to Fridays, 08.00 to 12.30 hours on Saturdays nor at any time on Sundays or Bank and National Holidays. No open burning of any waste material shall be permitted within the site, except for the burning solely for the control of dry

rot, for which prior permission from the Environmental Regulation department is required) (in the interests of amenity and to comply with Local Plan policies ME2 and BE1).

27 Unless otherwise agreed, prior to the occupation of the 75th dwelling hereby approved, or within 1 year of the commencement of the development, whichever is the sooner, or as may otherwise be agreed in writing by the LPA following the submission of an amended timetable for their completion) the off site highway works shown on Drawing No. 08258/002 (dated Nov 2009 submitted as Appendix 9 in the Transport Assessment) shall be completed in their entirety (in the interests of highway safety and to comply with policy M29 of the Local Plan).

28 Before development begins, a Design Statement giving details of the residential access road layout shall be submitted to and approved in writing by the LPA. The Design Statement shall include full details of the proposed road hierarchy in relation to the number of dwellings served by each road type, design speed and forward visibility, service vehicle movements (including swept path analysis), road geometry, on-street and off-street parking arrangements, road materials, Traffic Regulation Orders, landscape features within the highway, and a Stage 2 Road Safety Audit Report and associated Designer's Response Report.

The design of the residential access road layout shall incorporate the design features that have been agreed and approved when it is submitted for detailed approval. The residential access road shall be constructed as approved, unless otherwise agreed by the Local Planning Authority (in the interest of highway safety and to comply with policy M29 of the Local Plan).

29 Before development begins, amended details of the design of the proposed right-turn lane priority junction shown on Proposed Access Arrangement Plan No. 08258/001 shall be submitted to and approved in writing by the LPA. The amended scheme shall include details of:

- Provision of dropped-kerb (including tactile paving) pedestrian crossing facilities on the northbound and southbound approach to the right-turn lane.
- The position and design of both pedestrian crossing facilities shall include a solid island within the hatched areas of the right-turn lane.
- Provision of an illuminated bollard on each island to advise oncoming drivers and to discourage overtaking at the junction.

Unless otherwise agreed in writing by the LPA, the right-turn lane priority junction shall be constructed in accordance with the approved details prior to the start of construction of the dwellings, in order to safely accommodate vehicle turning movements during the construction period. In the interest of highway safety and to comply with policy M29 of the LP.

30 Before development begins, a Stage 2 Road Safety Audit shall be carried out on the design of the proposed right-turn lane priority junction into the development site. The Safety Audit Report and associated Designer's Response Report shall be submitted to and approved in writing by the Local Planning Authority. The recommendations of the audit that have been agreed and approved shall be incorporated into the design of the road junction design when it is submitted for detailed approval. The junction works shall be carried out as approved, unless otherwise agreed by the Local Planning Authority (in the interest of highway safety and to comply with policy M29 of the Local Plan).

31 Before development begins, a revised Travel Plan Framework shall be submitted to and approved in writing by the LPA. The Travel Plan Framework shall include revised details of:

- The Travel Plan coordinator, who shall be appointed and in post at least 6 months prior to occupation of the first dwelling

- Travel surveys and travel mode targets
- Monitoring methodology and the implementation measures to ensure that the targets are met
- Details of public transport services

The Travel Plan shall be produced and implemented in accordance with the approved Travel Plan Framework, in order to promote sustainable modes of travel and to reduce the potential impact of development traffic on the local highway network, in the interest of highway safety and to comply with policy M29 of the LP.

32 Before development begins, a construction traffic management plan shall be submitted to and approved in writing by the LPA. The management plan shall give details of the planned construction timescale and the days and times when the site is open to construction traffic. Construction vehicle movements shall be restricted to the times given in the approved management plan, in order to control the number of peak-period construction vehicle movements at a vehicle access to a classified road. In the interest of highway safety and to comply with policy M29 of the LP.

33 No works shall commence until details of the operation of a wheel-wash facility have been submitted to and approved in writing by the LPA. The wheel-wash facility shall be installed and operated in accordance with the approved details throughout the construction timescale. In order to prevent debris from being carried by construction traffic and deposited onto the adjacent highway. In the interest of highway safety and to comply with policy M29 of the LP.

34 Unless otherwise agreed in writing by the LPA, no vehicle access shall be constructed within 15 metres of the access road junction with Calvert Lane, or within 10 metres of a junction on the residential access road within the site. In the interest of highway safety and to comply with policy M29 of the LP.

35 H2(Access and parking for housing layouts)

36 H9(Cycle Parking)

37 H14(Estate Roads)

38 H16(Traffic Calming)

39 H17(Turning Area)

40 H19(Road Junction - Construction Traffic)

41 H21(Protection of Services)

42 Before development begins, details of the vertical and horizontal alignment, geometry, materials, drainage and lighting of the Spring Bank West to Willerby cycle track and footpath shall be submitted to and approved in writing by the LPA. The scheme shall include details of:

1. The route along the former railway embankments and connections to the Cottingham Branch Cycleway/Footway and Springhead Lane
2. Provision of a cycleway/footway bridge across Calvert Lane, or the provision of ramps between the railway embankments and Calvert Lane and barriers to safeguard cycle and pedestrian movements and the location and design of the signalised cycle and pedestrian crossing facility on Calvert Lane.
3. The connection to the residential site

Unless otherwise agreed by the LPA, the cycle track and footpath shall be provided in accordance with the approved details, prior to the occupation of the 75th dwelling (In order to promote sustainable travel, in the interest of highway safety and to comply with policy M12 and M29 of the Local Plan).

43 The site shall be developed with separate systems of drainage for foul and surface water on and off the site (in the interest of satisfactory and sustainable drainage and to comply with policy H1 of the Local Plan)

44 No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority (to ensure that the development can be properly drained and to comply with policy H1 of the Local Plan).

45 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works (to ensure that no foul or surface water discharges takes place until proper provision has been made for their disposal and to comply with policy H1 of the Local Plan).

46 Surface water from vehicle parking and hard standing areas shall be passed through an interceptor of adequate capacity prior to discharge. Roof drainage should not be passed through any interceptor (in the interest of satisfactory drainage and to comply with policy H1 of the Local Plan).

47 LEVEL3(Code for Sustainable Homes)

48 BREEAM(Sustainable Building Standards)

49 RENEW(Renewable energy)

