

COMMITTEE REPORT

Date: 20 August 2020 **Ward:** Westfield
Team: West Area **Parish:** No Parish

Reference: 20/00494/FULM

Application at: 61A Gale Lane York YO24 3AD

For: Erection of 3 storey building to form 8no. apartments and 2no. semi-detached bungalows to the rear following demolition of existing bungalow with new access and associated landscaping.

By: Inglehurst Properties

Application Type: Major Full Application

Target Date: 9 June 2020

Recommendation: DELEGATE AUTHORITY TO OFFICERS TO DETERMINE AFTER EXPIRY OF CONSULTATION PERIOD SUBJECT TO NO NEW MATERIAL OBJECTIONS

1.0 PROPOSAL

1.1 The application site contains an existing bungalow located on the eastern side of Gale Lane. The site has an existing access onto Gale Lane and a front, side and rear garden. To the north of the site is a detached two storey dwelling that appears to be of nineteenth century construction. South and west of the site are mid twentieth century two storey dwellings, and they are predominantly semi detached. There are a number of larger buildings along Gale Lane including the Church of Our Lady on the southern corner of Gale Lane and Cornlands Road. There are examples of three storey blocks of flats along Gale Lane, to the north and further to the south.

1.2 Planning permission was granted in 2017 for the erection of a two storey building with 5 apartments on Gale Lane with a pair of bungalows to the rear. Following this, permission was granted for the erection of 7 apartments in a three storey building with the bungalows retained to the rear.

1.3 The current planning application seeks to increase the number of apartments to 8 in the main building by including an additional unit at (both on the ground floor) second floor level. There would be 6 one bedroom flats and 2 two bedroom flats accessed via a single entrance fronting onto Gale Lane. The parking would be to the rear, via an archway with one space per dwelling and an additional visitor space. Cycle parking and waste storage is proposed. The bungalows would be retained as before.

1.4 The apartment building would have a dual pitch roof with a front gable end projection. It would be a maximum of 10.25 metres high, up to 15.4 metres deep and 16.6 metres wide. The proposed materials would be concrete grey tiles for the roof and red brickwork for the walls with uPVC windows.

1.5 The bungalows would be semi-detached and 4.8 metres high at the ridge. The combined width of the bungalows would be 15.8 metres and they would be 9 metres deep. The materials would match the apartment building in terms of tile and brick.

1.6 Planning History

17/00555/FUL - Erection of 5no. apartments and 2no. semi-detached bungalows to rear following the demolition of existing building – Permitted 31.08.2017

19/00583/FULM - Erection of 5 one bedroom and 2 two bedroom apartments and 2no. two bedroom semi-detached bungalows following demolition of existing bungalow. – Permitted 02.08.2019

1.7 The application is presented to committee as it is major development (10 or more dwellings). It is noted that the previous planning permissions were granted by officers under delegated authority as they were of a reduced scale (7 and 9 units).

1.8 The application is currently subject to re-consultation of neighbours following the introduction of additional obscure glazing to upper floor side windows and also to the change of roof materials from clay tiles to concrete tiles. The consultation period ends on 21st August. The recommendation for this application therefore proposes that the final decision is delegated to officers following completion of the consultation period and subject to no new material objections being raised.

2.0 POLICY CONTEXT

National Planning Policy Framework

2.1 The revised National Planning Policy Framework (NPPF) 2019 was published on 19 February 2019 and sets out the government's planning policies for England

and how these are expected to be applied. The policies are material planning considerations.

2.2 The planning system should contribute to the achievement of sustainable development (Paragraph 7). To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives. Paragraph 14 advises that at the heart of the Framework there is a presumption in favour of sustainable development.

2.3 Section 5 of the NPPF supports the government's objective of significantly boosting the supply of homes. Paragraph 60 states that the size, type, tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.

2.4 Section 12 sets out that the creation of high quality buildings and places is fundamental to what planning and development process should achieve. Section 14 of the NPPF seeks to meet the challenge of climate change.

Publication Draft Local Plan 2018

2.5 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

2.6 The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications.

2.7 Relevant Policies

H2 Density of Residential Development

D1 Placemaking

GI4 Trees and Hedgerows

ENV2 Managing Environmental Quality

ENV5 Sustainable Drainage

T1 Sustainable Access

CC1 Renewable and Low Carbon Energy Generation and Storage

CC2 Sustainable Design and Construction of New Development

2005 Development Control Local Plan

2.8 The Development Control Local Plan (DCLP) was approved for development management purposes in April 2005. Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF, albeit with very limited weight.

3.0 CONSULTATIONS

INTERNAL

Design Conservation and Sustainable Development (Landscape)

3.1. Comments on previous application: “there are no trees worthy of a TPO within the boundary of the application site. The larger trees to the rear are beyond the site boundary.”

Highways Network Management

3.2 No objection following submission of vehicle tracking for parking spaces. Conditions recommended.

Public Protection

3.3 Conditions recommended for land contamination and electric vehicle charging. Informative recommended for construction hours.

Waste Management

3.4 Location of the bin store is acceptable.

EXTERNAL

Ainsty Drainage Board

3.5 Condition recommended for drainage strategy.

Yorkshire Water

3.6 No objection subject to compliance with submitted drawing.

North Yorkshire Police

3.7 The overall design and layout of the proposed scheme is considered acceptable.

4.0 REPRESENTATIONS

4.1 The application has been advertised by neighbour notification, press and site notice. Letters of objection were received from the occupier of 61 Gale Lane (to north of site) and from the owner of 63 Gale Lane (to south of site).

4.2 The following concerns were raised:

- loss of light from three storey building
- window overlooking garden
- presume side facing windows are obscured
- loss of light to garden and property

4.3 Following concerns from officers and neighbours, revised plans were received showing obscure glazing to side windows above ground floor level and a change of roofing material to concrete tiles. These revised plans were subject to re-consultation. No comments have yet been received.

5.0 APPRAISAL

5.1 Key Issues

- principle of development
- housing need
- impact on the streetscene
- impact on amenity and living conditions of adjacent occupiers
- highways and parking
- drainage
- sustainability

PRINCIPLE OF DEVELOPMENT

5.2 The application site is an existing dwelling and has an existing permission for the erection of 9 residential units that could be implemented. The principle of residential development on the site is therefore established.

HOUSING NEED

5.3 Policy DP2 of the Draft Plan states that development will address the housing need of York's current and future population. Policy DP3 states development should contribute to a sustainable, balanced community through provision of an appropriate range of housing. Policy H2 suggests a density of 40 units per hectare for new residential development in the York suburban area. It also states higher densities can be achieved with 400 metres of high frequency public transport corridors, such as bus route 4, which is close to the application site. The proposed development will provide an additional two residential units compared to the previously approved scheme and is therefore considered to be in general accordance with the aforementioned policies and also Section 5 of the NPPF which seeks to boost housing supply. Policy H10 For suburban sites that have a maximum combined gross floorspace of more than 1,000sqm, affordable housing contributions are required. The gross floorspace of the application is under this threshold, and therefore contributions will not be sought.

IMPACT ON THE STREETSCENE

5.4 Paragraph 127 of the NPPF sets out government guidelines for good design. Policy D1 of the 2018 Draft Plan states that proposals will be supported where they improve poor existing urban and natural environments, enhance York's special qualities and better reveal the significances of the historic environment. Development proposals that fail to take account of York's special qualities, fail to make a positive design contribution to the city, or cause damage to the character and quality of an area will be refused.

5.5 The proposed design for a three storey residential block is considered to be acceptable in this location given there are several examples of similar development on Gale Lane. The location is on a relatively busy through road and close to Acomb district centre. The building is of a similar height to the adjoining dwelling to the north west and is set back from the highway edge with amenity space provided. The proposed bungalows to the rear are very similar to those previously approved in 2017 and 2019. When considered against the previous approval, there is a modest increase of 0.25 metres in height and a marginal increase in the footprint of the building. There are some alterations to the front elevation in comparison to the previous approval such as the removal of a double height bay window and a change of roofing material from clay tiles to grey concrete tiles. However the main design of the proposal is very similar with the archway through to the car park at the rear. The change in roofing material is considered acceptable given that Gale Lane is very varied in this respect. The applicant has confirmed details of the materials in an attempt to remove pre-commencement conditions. The red brick and concrete tiles are considered acceptable. As such, the amended scheme is considered to be

similar to the previous approval and acceptable in line with policy D1 of the 2018 Draft Plan and paragraph 127 of the NPPF.

IMPACT ON NEIGHBOURS' LIVING CONDITIONS

5.6 The NPPF states that developments should create places with a high standard of amenity for all existing and future users. It goes on to state that decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. Policies D1 and ENV2 of the 2018 Draft Plan also consider amenity.

5.7 The proposed development will not result in a change of use, but increasing the number of dwellings on the site from 1 to 10. Permission already exists for 9 units on the site, including the pair of bungalows at the rear. The main issues are the increase in height in terms of loss of light and privacy and also the increase in comings and goings. In terms of light, the three storey building will respect the existing building line of Gale Lane and will be detached from neighbouring buildings. The additional storey will be set back from the highway and due to its orientation and the distance from neighbouring dwellings there is not considered to be an unacceptable impact in terms of the loss of light. The height of the building is 0.25 metres above the previous approval. This would not make a material difference to the level of light to the occupiers of neighbouring dwellings. Concerns have been raised by the occupiers of no 61 to the north in terms of privacy. As a result the north facing windows above ground floor level are to be obscure glazed. This arrangement is considered to be acceptable on amenity grounds.

5.8 In terms of comings and goings, the addition generated by two extra residential units is not considered to give rise to significant adverse impacts for local residents. Gale Lane is a relatively busy thoroughfare and local residents would therefore expect a certain level of background noise from traffic.

HIGHWAYS

5.9 Policy T1 of the 2018 Draft Plan states that to provide safe, suitable and attractive access, development proposals will be required to demonstrate there is safe and appropriate access to the adjacent adopted highway. Development proposals should also create safe and secure layouts for motorised vehicles (including public transport vehicles), cyclists, pedestrians that minimise conflict.

5.10 The proposal includes a parking space for each unit, accessed via a new entrance off Gale Lane. A visitor space is also proposed. Secure cycle spaces for 10

bicycles are proposed. Revisions to the scheme have been submitted that altered the layout of the car park to overcome the concerns of the Highways Officer of cars not being able to exit the site in forward gear given the location on Gale Lane and in close proximity to the mini roundabout. The parking levels are considered acceptable for the location. The proposal is subject to conditions considered to be appropriate on highways grounds.

DRAINAGE

5.11 The application site lies in flood zone 1. Surface and foul water drainage is proposed via the mains sewer, although the drainage strategy submitted notes this is based on an assumption that infiltration will not work in this location. The strategy goes on to note that “site percolation testing will be undertaken prior to any development to confirm this.” It is therefore considered reasonable that a pre-commencement condition be applied to cover the drainage strategy as per SUDs hierarchy to establish if a soakaway would work in this situation.

SUSTAINABILITY

5.12 The application site lies in relatively sustainable location being approximately 400 metres from Acomb district centre. The site is also close to local shops and a bus stop on Gale Lane as well as facilities on Cornlands Road including a GP surgery, pharmacy and leisure centre. Secure cycle parking is also proposed. The applicant is aware of the requirements under Policies CC1 and CC2 of the 2018 Draft Plan with regard to climate change adaption. These will be imposed by planning condition to ensure the draft policies are complied with.

6.0 CONCLUSION

6.1 The proposed development departs from the previous approved scheme slightly increasing the scale of the scheme, however these are modest increases, such as 0.25 metre increase in height to the proposed apartment block. The proposal would result in an increase in the number of units approved under permission 19/00583/FULM by one, thereby according with the national and local policies for boosting housing supply. It is noted that the revised plans including the change in roofing material and the introduction of further obscure glass to windows is subject to re-consultation which ends on 21st August. No comments have yet been received and it is considered the introduction of obscure glazing overcomes the concerns raised in terms of privacy to neighbours. When considered against national and local planning policies, the proposed development is considered to be acceptable subject to the following conditions.

7.0 RECOMMENDATION: DELEGATE AUTHORITY TO OFFICERS TO DETERMINE AFTER EXPIRY OF CONSULTATION PERIOD SUBJECT TO NO NEW MATERIAL OBJECTIONS

1 TIME2 Development start within three years

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

20010-130-P01 received 29 July 2020

20010-131-P02 received 29 July 2020

20010-230-P00 received 29 July 2020

19014 105 P05 received 13 May 2020

20010_110-P00 received 9 March 2020

20010_111-P00 received 9 March 2020

20010_112-P00 received 9 March 2020

20010_132-P00 received 9 March 2020

20010_210-P00 received 9 March 2020

20010_001-P00 received 9 March 2020

20010_108-P00 received 31 July 2020

Materials Schedule dated 21st July 2020

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

3 DRAIN1 Drainage details to be agreed

4 LC4 Land contamination - unexpected contam

5 The development shall not be occupied until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. 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 completion of the 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 alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site in the interests of the character and appearance of the area.

6 No part of the site shall come into use until the turning areas have been provided in accordance with the approved plans. Thereafter the turning areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To enable vehicles to enter and leave the site in a forward gear thereby ensuring the safe and free passage of traffic on the public highway.

7 Prior to the development coming into use 2.0 x 2.0m sight lines, free of all obstructions which exceed the height of the adjacent footway by more than 0.6m, shall be provided both sides of the junction of any access with the footway, and shall thereafter be so maintained.

Reason: In the interests of pedestrian safety.

8 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

9 The development shall not be occupied until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the footway to match adjacent levels.

Reason: In the interests of good management of the highway and road safety.

10 Prior to the development coming into use, all areas used by vehicles shall be surfaced, sealed and positively drained within the site, in accordance with the approved plans.

Reason: To prevent the egress of water and loose material onto the public highway.

11 The development shall not come into use until the junction with the public highway has been constructed in accordance with the approved plans.

Reason: In the interests of road safety.

12 Unless otherwise agreed in writing with the Local Planning Authority, the boundary treatment detailed on the Proposed Site Plan drawing number 19-014-105-P03, shall be carried out in its entirety prior to the development hereby approved being first brought into use.

Reason: In the interests of the amenities of neighbouring occupiers.

13 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), development of the type described in Classes A, B, C and E of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of the amenities of the adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 2015.

14 Prior to works starting on site a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the Local Planning Authority.

Reason: In the interests of the safety and good management of the public highway the details of which must be recorded prior to the access to the site by any construction vehicle.

8.0 INFORMATIVES: Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

Amended plans

2. INFORMATIVE:

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works and ancillary operations, including

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(c) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturer's instructions.

(d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(f) There shall be no bonfires on the site

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