

CYH4A
Housing Windfalls

CYH5A
Residential Density

CYGP1
Design

CYGP4A
Sustainability

CYGP6
Contaminated land

CYGP15
Protection from flooding

CYE8
Non conforming uses

CYL1C
Provision of New Open Space in Development

CYHE10
Archaeology

3.0 CONSULTATIONS

3.1 Internal

Highways - No objections, subject to highway conditions. The applicant should be advised that there would be a recommendation to remove the site from inclusion in the local Respark zone. The removal of one Respark Bay is not considered grounds for objection, though the applicant will be expected to pay for the amendment to the traffic regulation order to remove the space and for the scheme to be excluded from the Respark scheme, and any costs encountered in the associated works.

Environmental Protection - No objections. The applicant submitted (with the previous application) a desk top study and site investigation indicating ground contamination that will require remediation by condition. An hours of work condition also should be attached.

UDC (Archaeology) - No objection, subject to archaeological watching brief condition on all groundworks associated with the development..

Structures and Drainage - No objections.

Policy - No objection if proposal satisfies policies E3b, H4a, GP1, GP4a and L1c.

Leisure - As there is no on site open space, commuted off site sums should be paid to the Council for amenity open space (such as New Walk or Walmgate Stray) for play space (Cemetery Road) and sports pitches (within the south zone of Sport and Active Leisure Strategy).

3.2 External

Local Member - Continued objection. The building breaks the existing roofline on Escrick Street, and is out of character with the scale of surrounding buildings. The three storeys will result in unacceptable shading of surrounding properties on Escrick Street and Terrace. The increase in density in dwelling units will exacerbate traffic problems on Escrick Street. Increased traffic is highly undesirable close to a school, and the extra on street car parking from new residents will cause problems during the already frenetic school run. The objections of local residents are justified. The previous decision by the planning committee was correct.

Planning Panel - Continued objection. Structure is too high resulting in an overbearing impact on Escrick Terrace; proposed parking provision would result in increased parking competition with local residents; increased traffic congestion; access onto Escrick Street and Fishergate is hazardous and would be increased by additional traffic associated with the development. The site is unlikely to revert to a builder's yard as suggested by the applicant.

Public Consultation - six local residents and property owners maintain their previous objections. The height of buildings will lose daylight, sunlight and privacy to neighbouring properties and generally effect residents' quality of life. Consider none of the objections have been overcome by changes to the scheme.

4.0 APPRAISAL

4.1 Key Issues

Neighbour amenity.

4.2 The Application Site

Former builder's yard measuring 0.024 hectares on the north side of Escrick Street, opposite Fishergate Primary School. Escrick Street joins Fawcett Street to the west. The site was last used as a builder's yard and has since been cleared. On the west side of the site is a ginnel behind the rear yards and 2-storey houses of Escrick Terrace. To the east of the site is a 2.5-storey residential development.

4.3 Introduction

The main issues of relevance to this application are the principle of housing development, visual amenity, residential amenity, highway considerations and open space. All of these issues were considered by the committee when it determined the previous application on 8 December 2005. Members considered that the scheme was acceptable except for the impact it would have on the occupiers of Escrick Terrace to the west of the site. Members determined that the impact on the neighbours was unacceptable and refused the application for the following reason:

The proposed development, by virtue of the proximity, height and size of the gable end elevation of the building facing neighbouring properties on Escrick Terrace, would result in an overbearing and domineering form of development, causing unacceptable harm to the amenities of those properties. This is considered contrary to advice on protecting amenity in paragraph 29 of the 'Planning System: General Principles', published alongside PPS1: Delivering Sustainable Development and policy GP1 criteria i) of the City of York Draft Local Plan Incorporating the Fourth Set of Changes - Development Control Local Plan (Approved April 2005).

4.4 Neighbour Amenity

When the previous application was being considered officers recognised that the development would have an impact on the occupiers of Escrick Terrace. The new building would be approximately 7.25m from the rear elevations of the Escrick Terrace properties and just 1m from their rear yards. Nevertheless officers considered that, on balance, the development would not be unacceptably overbearing or domineering.

Escrick Terrace is already overshadowed during the middle of the day and early afternoon by the large Fishergate school building to the south. Whilst the development would cause some further loss of light to the properties on Escrick Terrace this impact would be limited to the early morning. The proposed development would cause no light loss in the late afternoon and evening. The development was therefore considered to be acceptable in terms of sunlight and daylight. Moreover the development would not cause any direct overlooking. The development was also considered to have some benefit to the amenities of neighbours in that it would remove the builders yard use, which if reintroduced (albeit improbably) would be likely to cause noise and disturbance.

Whilst officers were ambivalent about the application, due to the impact on the occupiers of Escrick Terrace, the application was recommended for approval. Members however were less circumspect about the proposal and, after considering all relevant planning issues, considered that the impact on Escrick Terrace was too significant for planning permission to be granted and the application was refused.

The current application is identical to the previous scheme. Whilst the current application includes a supporting statement it raises no new issues and does not overcome the objection to the previous approval. In the light of the clear guidance from members officers recommend refusal of the current application.

5.0 CONCLUSION

5.1 The impact on the occupiers of Escrick Terrace is unacceptable contrary to PPS1 and policy GP1 of the City of York Local Plan Deposit Draft.

6.0 RECOMMENDATION: Refuse

- 1 The proposed development, by virtue of the proximity, height and size of the gable end elevation of the building facing neighbouring properties on Escrick Terrace, would result in an overbearing and domineering form of development, causing unacceptable harm to the amenities of those properties contrary to paragraph 29 of the 'Planning System: General Principles', published alongside PPS1: Delivering Sustainable Development and policy GP1 of the City of York Draft Local Plan.

7.0 INFORMATIVES:

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