

COMMITTEE REPORT

Committee: West and City Centre **Ward:** Rural West York
Date: 3 October 2006 **Parish:** Copmanthorpe Parish Council

Reference: 06/01762/OUT
Application at: Fox And Hounds 39 Top Lane Copmanthorpe York YO23 3UH
For: Outline application for erection of 8 no.apartments with associated car parking and landscaping and extension to existing public house car parking facilities
By: Enterprise Inns Plc
Application Type: Outline Application
Target Date: 3 October 2006

1.0 PROPOSAL

1.1 The applicant seeks outline approval for the erection of 8 no apartments with associated car parking and landscaping and extension to existing public house car parking facilities.

1.2 The application site lies adjacent and to the south of the A64 and is separated from this trunk road by Tadcaster Road (a residential access road). A 2m high wooden post and vertical rail fence currently forms the boundary between the A64 and Tadcaster Road.

1.3 The application site has a varying topography, with the southern boundary formed by Top Lane. This is a residential road linking Copmanthorpe to York. To the south and west are residential properties consisting essentially of detached and semi detached houses.

1.4 The existing public house is located centrally. To the west the site contains additional parking facilities and a sitting out area which contains play equipment. The rear part of the premises "facing Top Lane" contain bin storage facilities and a parking/servicing area.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYGP1

Design

CYGP3

Planning against crime

CYH2A

Affordable Housing

CYH4A

Housing Windfalls

CYL1C

Provision of New Open Space in Development

CYGP9

Landscaping

CYED4

Developer contributions towards Educational facilities

CYGP4A

Sustainability

CYH5A

Residential Density

3.0 CONSULTATIONS

3.1 Internal

Development and Regeneration - affordable housing should be delivered via an "Affordable Housing Plan", the requirements of such a plan should be included/built in to a Section 106.

Lifelong Leisure and Learning - Comments

As there is no on-site open space commuted sums should be paid to the Council for

a) amenity open space - which would be used to improve a local site within the Parish.

b) play space - which would be used to improve a local site within the Parish such as the Recreation Ground

c) sports pitches - which would be used to improve a facility within the West Zone of the Sport and Active Leisure Strategy.

Environmental Protection Unit - No Objections

Highway Network Management - No Objections - Conditions required (verbally confirmed 19.09.2006)

Education - request a total contribution of £6242, which will be divided between Copmanthorpe Primary and Millthorpe.

3.2 External

9 letters of objection have been received regarding the applicants' proposals. The letters raise the following concerns.

- * Loss of Views
- * Increased Traffic/Highway Safety
- * Parking on Top Lane/Grass Verges
- * Increased Pedestrian Risk
- * Shortfall in Parking Provision
- * Loss of Parking
- * Visual Harm
- * Impact upon Property Prices (not a material planning consideration)
- * Loss of Privacy
- * Increase in Noise Levels

No comments have been received from Copmanthorpe Parish Council (20.09.2006)

4.0 APPRAISAL

KEY ISSUES:-

4.1 The proposal raises the following key issues:

- * Planning Policy
- * Impact upon Neighbouring Residents
- * Highway Issues/ Car Parking
- * Affordable Housing
- * Design, Density and Sustainability

PLANNING POLICY

4.2 PPS1 - Delivering Sustainable Development (Paragraph 1) states that good planning helps to deliver homes, jobs and better opportunities for all, whilst protecting the environment. Paragraph 19 states that planning authorities should seek to enhance the environment as part of development proposals.

4.3 Planning Policy Guidance Note 3 "Housing" (PPG3) sets out the Government policy on housing development and encourages more sustainable patterns of development through the reuse of previously developed land, more efficient use of land, greening the residential environment, reducing dependency on the private car and provision of affordable housing.

4.4 Policy GP1 'Design' of the City of York Local Plan Deposit Draft includes the expectation that development proposals will, inter alia; respect or enhance the local

environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

4.5 H4a - Housing Windfalls: which suggests that a proposals for residential development on land within the urban area would be a acceptable, where "the site is within the urban area and is vacant, derelict or underused or it involves infilling, redevelopment or conversion of existing buildings." However, any development must be of an appropriate design and must be sustainable e.g. good links to jobs, shops and services.

4.6 L1C - Provision of New Open Spaces in Development: the council considers that all residents should have access to safe, attractive and useable public open space and the Local Plan Strategy aims to promote accessible open space in new residential and leisure developments.

4.7 H5a - Residential Density: states that outside that outside of the urban area of York, new residential developments should aim to achieve net densities of greater than 30 dwellings per hectare.

4.8 GP4a - Sustainability: requires that proposals for development should have regard to the principles of sustainable development including accessibility of the development site by means other than the private car, contributing to the social needs of the community (including housing), high quality design, enhancing local character and making adequate provision for storage and collection of refuse.

4.9 H2a - Affordable Housing: seeks to secure an affordable housing element in line with the Councils Second Housing Needs Survey (April 2002) within new housing schemes of 2 dwellings.0.3ha or more in villages of less than 5,000 population. The policy sets a target of 50% affordable housing (45% for affordable rent, 5% for discounted sale) for new residential developments.

4.10 GP9 - Landscaping: where appropriate development proposals will be required to incorporate a suitable landscaping scheme, and this must:

- a) be planned as an integral part of the proposals; and
- b) include an appropriate range of indigenous species; and
- c) reflect the character of the locality and surrounding development; and
- d) form a long term edge to developments adjoining or in open countryside.

4.11 Copmanthorpe Village Design Statement: seeks to

- a) guide and influence the design of development in a way that preserves and enhances the character and distinctiveness of Copmanthorpe.
- b) Contribute the views, local knowledge and interests of residents in the design and development of their village.

- c) Promote appropriate standards of design through clear guidelines so that development and change make a positive contribution to the village.
- d) Provide a practical tool for householders, developers, builders and their designers.
- e) Assist the decision making process in response to planning applications.

IMPACT UPON NEIGHBOURING RESIDENTS

4.12 The south facing "gable projection" containing a main stair case is the closest elevation to existing properties on Top Lane. A minimum and maximum distance of 26 metres and 36 metres has been provided between facing front elevations, which is considered to be acceptable in this location. Although existing first floor windows are likely to directly face the first floor windows of the flats (not included as part of the outline) the distances involved mitigate any harm to existing residential amenity.

4.13 At 9 metres in height the proposed flats are approx. 1.4 - 2.0 metres lower than neighbouring properties and are set down below the height of the existing Fox and Hounds Public House. Concerns have been raised regarding the loss of views from both the ground and first floor windows of properties on Top Lane. The Local Planning Authority accepts that existing views from housing on Top Lane will be obstructed by the applicants proposals, however there is no policy in the Development Control Local Plan to protect views. Given the distances between the existing and proposed development and the application sites location within the village settlement limit it is not considered that a refusal on these grounds could be justified.

4.14 Existing hedge and tree planting will be retained along the northern and western boundaries, securing the residential and visual amenity of 19, Tadcaster Road, Morvern Lodge and 37, Top Lane.

HIGHWAY ISSUES/CAR PARKING

4.15 Highway Network Management have no objections to the applicants' proposals, however conditions will be included to ensure compliance to submitted plans and to secure highway safety.

4.16 Following discussions with Highway Network Management and in view of the changed circumstances of the public house operation, it was agreed that the parking arrangement and parking provision could be altered and reduced respectively. It was requested that 25 spaces should remain upon the site to accommodate traffic utilising the public house.

AFFORDABLE HOUSING

4.17 Para.6.5 of the submitted "Planning Statement" states "in line with the Councils affordable housing policy(as outlined in the City of York Affordable Housing Advice Note July 2005 Target Schedule (page 19) it is proposed that 4 of the apartments (2 x 3 bed and 2 x 2 bed) will be affordable units and that these would be secured by a S106 agreement". Conditions have been included as part of this application to secure the aforementioned S106 agreement.

DESIGN, DENSITY AND SUSTAINABILITY

4.18 Policy H5a of the Draft Local Plan aims to achieve net residential densities of greater than 30 dwellings per hectare. In this instance the applicant has provided 73 dwellings per hectare.

4.19 Although in excess of aforementioned guidance, it is considered appropriate to maximise densities upon this particular site to mitigate pressure on existing green field sites and not to compromise other established planning objectives which aim to maintain a high quality environment within the city.

4.20 This departure from Local Plan Policy is justifiable for a number of reasons. Firstly, the application site is a relatively uninspiring and poorly maintained "gateway" site located within the defined settlement limits of Copmanthorpe village. Developing a site of this nature would certainly reduce development pressure elsewhere in the City. The site has good transport links with the City Centre and local facilities and is not expected to create an unsustainable increase in traffic movements. Finally as previously mentioned in para's 4.6 - 4.8 the size and scale of the proposal represents little harm to the visual and residential amenity of neighbouring properties or the character and appearance of the surrounding area.

4.21 Cycle storage has also been provided within the site to further encourage sustainable living.

4.22 In terms of design and massing the applicants' proposals are comparable in some respects to the neighbouring Fox and Hounds Public House. The application site will be set down below the aforementioned Public House with much of its massing mitigated by the existing topography and the new boundary fence. The developments full height can only be appreciated from the north, where it overlooks Tadcaster Road and the Ring Road. In terms of massing, the proposed flats occupy a footprint approx. 80 sq metres less than the Public House premises. The subservient nature of the gable staircases and the gap left between the two building also help to mitigate the any perceived bulk or massing.

4.23 Copmanthorpe Village Design Statement states that the existing "green gateway" gives the impression of a distinct and self contained village. The application site will contain further planting continuing the existing planting along the northern site of Top Lane. The proposal will utilise a poorly managed hard landscape wedge, and its location and design appears to bolster the "gateway" when approached from the east. Its location also helps to screen the A64 from the views of visitors and residents alike.

5.0 CONCLUSION

5.1 The applicants' proposals are considered acceptable in this instance and are therefore recommended for approval.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 Application for approval of all reserved matters shall be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission and the development hereby permitted shall be begun before:

the expiration of two years for the date of approval of the last of the reserved matters to be approved.

Reason: To ensure compliance with Section 92 and 93 of the Town and Country Planning Act 1990 as amended.

- 2 Fully detailed drawings illustrating all of the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works, and the development shall be carried out in accordance with such details:

Details to be submitted: design, external appearance and landscaping

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of the development.

- 3 HT1 9m

- 4 All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to 08:00 to 18:00 Monday to Fridays, 09:00 to 13:00 Saturdays and no works at all shall be carried out on Sundays and Bank Holidays.

Reason: To protect the amenity of local residents during the construction of the development.

- 5 Any suspect contaminated materials detected during site works shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development of the site.

Reason: To protect the health of the occupants

- 6 The building envelope shall be constructed so as to achieve internal noise levels of 30 dB LAeq 1 hour and 45 dB LAMax (23:00 - 07:00) in bedrooms and 35 dB LAeq 1 hour (07:00 - 23:00) in all other habitable rooms. These noise levels are with windows shut and other means of acoustic ventilation provided. The detailed scheme shall be approved in writing by the local planning authority and fully implemented before the use hereby approved is occupied.

Reason: To protect the amenity of new occupants from noise from the A64 and the public house

7 DRAIN1

8 OUT4

- 9 No development shall take place 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.

- 10 No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The Open space shall thereafter be provided in accordance with the approved scheme or the alternative arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: To comply with Policy L1C of the City of York Draft Local Plan

Informative

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring financial contribution towards the off site provision of open space. The obligation should provide for a financial contribution calculated at £8,156

No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.

- 11 No development shall commence unless and until a scheme to ensure the provision of adequate additional foundation and secondary school places within the local catchment area has been submitted to and approved by the local planning authority.

Reason: The education provision within the catchment area of the development has insufficient capacity to take more pupils, such that additional places are required in the interests of the sustainable development of the city

in accordance with Policy C6 of the City of York Draft Local Plan and the Council's Supplementary Planning Guidance 'Developer Contributions to Education Facilities' dated January 2005.

INFORMATIVE:

The provisions of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, The obligation should provide for a financial contribution calculated at £6242 . The basis for this calculation is contained within the Council's Supplementary Planning Guidance 'Developer Contributions to Education Facilities' dated January 2005.

No development can take place on this site until the condition has been discharged and you are reminded of the Local Planning Authority's enforcement powers in this regard.

- 12 The development shall not begin until a scheme submitted as part of the first reserved matters showing a 50% unit provision for affordable housing purposes as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:-
- i) The numbers, type and location of the site of the affordable housing provision to be made
 - ii) The timing of the construction of the affordable housing
 - iii) The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing
 - iv) The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and means by which such occupancy shall be enforced.

REASON: To comply with Policy H2 a of the Council's Development Control Local Plan (4th Set of Changes April 2005)

Informative:

For the avoidance of doubt, the term affordable housing means subsidised housing at below market prices or rents intended for those households who cannot afford housing at market rates. It is usually managed by a registered social landlord.

**7.0 INFORMATIVES:
Notes to Applicant**

1. The developer's attention should be 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;

1 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".

2 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 manufacturers instructions.

3 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.

4 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.

5 Any asbestos containing materials shall be removed by licensed contractors to a licensed disposal site.

6 There shall be no bonfires on the site.

2. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to visual/residential amenity, highway safety, sustainability and density. As such the proposal complies with PPS1 and PPG3 guidance and policies L1c, H4a, GP9, GP4a, H5a, H2a, GP3, ED4 and GP1 of the City of York Development Control Draft Local Plan.

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