

COMMITTEE REPORT

Committee: West & City Centre Area **Ward:** Dringhouses & Woodthorpe
Date: 18 January 2007 **Parish:** Dringhouses & Woodthorpe
Planning Panel

Reference: 06/02413/REM
Application at: St James Vicarage 257A Thanet Road York YO24 2PE
For: Reserved matters application for erection of 6 no. dwellings (to which 05/00286/OUT relates)
By: Barratt Homes (York)
Application Type: Approval of Reserved Matters
Target Date: 3 January 2007

1.0 PROPOSAL

1.1 The applicant seeks reserved matters approval to erect 6 no. dwellings with associated access road, garaging, parking and cycle stores (to which 05/00286/OUT relates).

1.2 The application relates to the St James Vicarage and its designated curtilage. The site is bordered by a mixture of dense hedge and tree planting, which screen views from neighbouring vantage points. No's 103 to 113, North Lane border the site to the west, with the rear gardens of no's 259 and 261, Thanet Road abutting the site to the south. The site is accessed from Thanet Road and can be exited using a traffic loop system.

RELEVANT HISTORY

04/02866/GRG4 - Outline Application for Residential Development - Approved 16th September 2004.

05/00286/OUT - Outline Application for Residential Development after Demolition of Existing Vicarage - Approved 21st April 2005.

06/01283/REMM - Reserved Matters Application for Erection of 26 dwellings with associated access road, garaging, parking and cycle stores (to which 04/02866/GRG4 relates) - to be determined at the Planning (West and City Centre Area) Sub Committee on the 18th January 2007.

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

CYED4
Developer contributions towards Educational facilities

CYGP4A
Sustainability

CYH5A
Residential Density

3.0 CONSULTATIONS

INTERNAL

3.1 Environmental Protection Unit - No Objections (Condition and Informative Included)

3.2 Highway Network Management - No Objections (Condition Included)

3.3 Urban Design and Conservation - Objections.

EXTERNAL

3.4 Dringhouses/Woodthorpe Planning Panel - Objections

- * Application contrary Planning Policy GP1.
- * Impact upon neighbouring street scene.
- * Reduces the rural appearance of the area.

3.5 One letter of objection and one letter of comment have been received regarding the applicants' proposals. The letters raise the following concerns.

- * Concern about loss of trees/hedging.
- * Proposed buildings are excessive.
- * Visual Impact on Hobmoor Local Nature Reserve.
- * Security (some additional fencing is required)

4.0 APPRAISAL

KEY ISSUES

4.1 The proposal raises the following key issues:

- * Planning Policy
- * Impact upon Neighbouring Residents
- * Highway Issues/ Car Parking
- * 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 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.

4.4 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.

4.5 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.

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

4.7 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.

4.8 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.

IMPACT UPON NEIGHBOURING RESIDENTS

4.9 2.5 metres has been provided to south eastern boundary from the side elevation of Plot 30. The aforementioned elevation contains two secondary windows, which service a bathroom and bedroom. The rear elevations of Plots 31, 32 and 33 are located 15 metres from the south eastern boundary and 21 metres from the rear elevations of properties on North Lane. The orientation of the properties in conjunction with their location and design, ensure that harm to existing visual and residential amenity is negligible.

4.10 The triple and double garage units servicing Plots 29 to 33 are located significantly closer to the south eastern boundary, however at 4.5 metres in height, they too represent little harm to the visual and residential amenity of neighbouring properties.

HIGHWAY ISSUES

4.11 The site will be accessed from Thanet Road using an adopted highway, via a modified junction. Highway Network Management have no objections to the applicants' proposals subject to compliance with conditions; one of which requires the submission of "full stage 3 road safety audit".

4.12 Two off street parking spaces have been provided per dwelling; meeting the guidance set out in Appendix 1 of the City of York Development Control Draft Local Plan, which requires three bedroom properties to have two parking spaces (can include garage).

RESIDENTIAL DENSITY

4.13 Policy H5a "Residential Density" require developments in urban area to achieve a net residential density of greater than 40 dwellings per hectare. The applicant has provided 6 dwellings on a 0.14 hectare site, therefore the residential density is 42.85 dwellings per hectare, meeting the requirements of the aforementioned policy.

LANDSCAPING

4.14 The application site is dominated predominantly by rough grassland and self seeded vegetative features. Five Silver Birch trees and a Whitebeam have been identified by the Local Planning Authorities Landscape Officer as being worthy of retention. The Silver Birches are located along the application boundary with 06/01283/REMM, with the Hornbeam fronting Thanet Road.

4.15 The applicant intends to remove the aforementioned tree species and replace them with sporadic tree planting both within and around the application site. Existing hedging along the south eastern and north eastern boundaries will be retained, with their future protection secured by condition. The retention of existing hedging mitigates significantly the developments impact upon Hob Moor and the amenity of neighbouring properties.

SUSTAINABILITY

4.16 An overarching aim of the City of York Development Control Local Plan (2005), is to achieve sustainable design and construction. Policy GP4a requires all developments to regard the principles of sustainable development. The environmental performance of both new and existing buildings is assessed using the Building Research Establishment's Environmental Assessment Method (BREEAM).

4.17 In this instance, requiring the applicant to submit a BREEAM assessment would not be lawful as no relevant conditions were attached as part of the outline approval. The outline application for St James Vicarage was submitted in and granted approval in 2005, pre dating any policy requirements for the submission of BREEAM related documents.

4.18 GP4 "Sustainability" is however still relevant. Paragraphs D, E, G and I are all relevant in this instance and should be considered by the applicant, as part of the application.

d) be of high quality design, with the aim of conserving and enhancing the local character and distinctiveness of the City;

e) minimise the use of non renewable resources, re-use materials already on the site, and seek to make use of grey water systems both during construction and throughout the use of development. Any waste generated through the development should be managed safely, recycled and/or reused. The 'whole life' costs of the materials should be considered;

g) conserve and enhance natural areas and landscape features, provide both formal and informal open space, wildlife areas and room for trees to reach full growth;

l) make adequate provisions for the storage and collection of refuse and recycling.

4.19 The applicants have submitted a "Sustainability Appraisal" which demonstrates how the development seeks to promote sustainable development and construction methods.

5.0 CONCLUSION

5.1 Cumulatively, the overall layout and design of this reserved matters application is considered to be appropriate in this instance, contributing to the character/appearance and workability of this diverse locality. Providing the applicant can demonstrate, a consideration for and a willingness to adopt sustainable practices as part of the development then the application is considered to meet PPS1, PPG3 and Policies , GP1, H4a, GP4A, L1c, GP9, H5a and Appendix E "Car and Cycle Parking Standards" of the City of York Development Control Draft Local Plan.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 HWAY19 Car and cycle parking laid out
- 2 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, hedges 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.

- 3 None of the existing trees or hedges shown to be retained on the approved plans shall be wilfully damaged or destroyed or uprooted, felled, lopped or topped without the prior written consent of the Local Planning Authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased before the end of that period shall be replaced with trees of such size and species as may be agreed in writing with the Local Planning Authority.

Reason: The Local Planning Authority considers it important to safeguard the trees and hedges in a positive manner so as to secure their continued well being.

- 4 LAND3 Protection of existing planting
- 5 The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-

PO6:3651:01(REV A) - Planning Layout

PO6:3651:04 - Plans and Elevations
PO6:3651:03 - Garage Details

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

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

6 HT1 – 10.5

7 The design of all dwellings shall be carried out in accordance with the contents of the design statement dated 05/01/2007 submitted by the applicants' agent and titled "Sustainability Appraisal" which will satisfy the requirements of Policy GP4a.

Reason: In the interests of sustainable development

7.0 INFORMATIVES:

Notes to Applicant

1. Although not required as part of the outline approval, it is recommended that the applicant considers/implements the following:-

A desk study should be undertaken in order to identify any potentially contaminative uses which have or are currently occurring on the site. This shall include a site description and a site walkover and should be submitted to and approved by the local planning authority prior to the development of the site (This should where possible date back to 1800).

A site investigation should be undertaken based upon findings of the desk study. The investigation should be carried out in accordance with BS10175: Investigation of potentially contaminated land: code of practice. The results of the investigation should be submitted to and approved by the local planning authority in writing prior to any development commencing on the site.

Gas monitoring should be carried out on the site over a period of at least three months to consider the effect of any landfill gas migration. The survey should be undertaken and the results submitted to the Planning Authority.

Based on the information from the gas survey, proposals for a gas protection regime should be submitted to and approved by the Local Planning Authority prior to the commencement of any development on site.

A risk-based remedial strategy should be developed based on the findings of the site investigation. The remedial strategy should be submitted to and approved by the local planning authority in writing. The approved strategy should be fully implemented prior to any development commencing on site. The remedial strategy

should have due regard for UK adopted policy on risk assessment and should be developed in full consultation with the appropriate regulator(s)

A validation report should be submitted to and approved by the local planning authority, detailing sample locations and contaminant concentrations prior to any development commencing on the site.

Any contamination detected during site works that has not been considered within the remedial strategy shall be reported to the local planning authority. Any remediation for this contamination should be agreed with local planning authority and fully implemented prior to any further development of the site.

The developer's attention should also be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974.

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. INFORMATIVE:

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Adoption of Highway - sec 38/278 - Mr M Kitchen - 01904 551336

3. 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 and residential amenity. As such the proposal complies with PPS1/PPS3 and Policies , GP1, H4a, GP4A, L1c, GP9, H5a and Appendix E "Car and Cycle Parking Standards" of the City of York Development Control Draft Local Plan.

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