

COMMITTEE REPORT

Committee: West Area
Date: 19 October 2006

Ward: Acomb
Parish: Acomb Planning Panel

Reference: 06/01904/FUL
Application at: Land To Rear Of 3 To 19 Shirley Avenue York
For: Erection of 2 no. 4 bedroomed semi-detached houses (in place of detached house previously approved 14.02.02 under reference 01/03329/FUL)
By: Isoproco Ltd
Application Type: Full Application
Target Date: 31 October 2006

1.0 PROPOSAL

1.1 The application is for the erection of 2 x 4 bedroomed semi detached dwellings.

1.2 There was a previous application for the land rear to Shirley Avenue and Ouseburn Avenue. The application was for the erection of 5 dwellings with garages and a new garage for 7 Shirley Avenue (01/03329/FUL), the application was approved by North West Area planning sub committee on 14.02.02.

1.3 This application for 2 x 4 bedroomed dwellings replaces a 1 x 4 bedroomed dwelling on this site that was approved as part of application 01/03329/FUL.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYGP1
Design

CYGP10
Subdivision of gardens and infill devt

CYH4A
Housing Windfalls

CYL1C
Provision of New Open Space in Development

3.0 CONSULTATIONS

3.1 PUBLICITY DATES/PERIODS

Neighbour Notification - Expires 29/09/2006
Site Notice - Expires 12/10/2006
Press Advert - N/A
Internal/External Consultations - Expires 29/09/2006

8 WEEK TARGET DATE 31/10/2006

3.2 INTERNAL CONSULTATIONS

LIFELONG LEARNING AND CULTURE - As there is no on-site open space commuted sums should be paid to the council

ENVIRONMENTAL PROTECTION UNIT - No objections

HIGHWAYS NETWORK MANAGEMENT - No objections

DRAINAGE AND STRUCTURES - No objection, providing that the drainage of the road remains more or less changes, and that the drainage shown was approved in the last planning application

3.3 EXTERNAL CONSULTATIONS/REPRESENTATIONS

ACOMB PLANNING PANEL - No objections

2 LETTERS OF OBJECTION

- Loss of privacy from the windows in the side elevation, request obscure glazing

4.0 APPRAISAL

4.1 RELEVANT SITE HISTORY

01/03329/FUL - Erection of 5 dwellings with garages and new garage for 7 Shirley Avenue - Approved

98/02530/FUL - Erection of 12 flat roof garages - Approved

7/00/172A/PA - Eight lock-up garages (to replace Nissen hut garages which are to be demolished) - Approved

7/00/172B/PA - Erection of two blocks of garages (of 4 and 6 respectively) within existing garage court - Approved

7/00/172C/PA - Erection of four additional garages within existing garage court - Approved

7/00/172D/PA - Erection of six additional garages within existing garage court - Refused

98/02530/FUL - Erection of 12 flat roof garages - Approved

4.2 ADDITIONAL PLANNING POLICY

Planning Policy Guidance 3 - Housing

4.3 KEY ISSUES

1. Visual impact on the area

2. Impact on neighbouring property

4.4 ASSESSMENT

PLANNING POLICY

Planning Policy Guidance Note 3 'Housing' (PPG3) sets out Government policy on housing development and encourages more sustainable patterns of development through the reuse of previously developed land, more efficient use of land, reducing dependency on the private car and provision of affordable housing. PPG3 advises Planning Authorities to seek housing densities of between 30 and 50 dwellings per hectare with greater intensity at locations with good public transport accessibility. PPG3 also advises that car parking standards that require more than 1.5 spaces per dwelling are unlikely to secure sustainable development.

Policy GP1 'Design' of the City of York Development Control Local Plan 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.

Policy GP10 'Subdivision of Gardens and Infill Development' of the City of York Development Control Local Plan states that permission will only be granted for the development or subdivision of gardens areas where it would not be detrimental to the character and amenity of the local environment.

Policy H4a 'Housing Windfalls' of the City of York Development Control Local Plan states that permission will be granted for new housing development on land within the urban area providing: it is vacant/derelict/underused or involves infilling, redevelopment or conversion; has good access to jobs, shops and services by non-car modes; and, is of an appropriate scale and density to surrounding development and would not have a detrimental impact on existing landscape features.

Policy L1c requires that all housing sites make provision for the open space needs of future occupiers. For sites of less than 10 dwellings a commuted payment will be required towards off site provision.

VISUAL IMPACT ON THE AREA

The proposed dwellings would be semi detached with a pitched roof front dormer on each dwelling. There would be an increase in height of the proposed dwellings from the previously approved dwelling of 0.8 metres, to 9 metres in height. The dwellings would have a gable end roof which is not in character with the area however the previously approved dwellings on this site have gable end roofs. Semi detached dwellings are the predominant character of the surrounding streets. The appearance of the dwellings would be fairly basic and unassuming.

The principle for a dwelling on this specific site has been set in the previous application 01/03329/FUL (approved by the North West Area planning sub committee 12th February 2002). The proposed two dwellings have a slightly larger footprint than the previously approved 4 bedroomed house. The previously approved dwelling had a footprint of 8 metres by 9 metres; together the proposed two dwellings have a footprint of 8.5 metres (at its widest

point) by 10 metres. The proposed dwellings would appear more cramped than the previously approved scheme, but in this location it is unlikely that a refusal could be justified on these grounds. Both dwellings would have two off road parking spaces and small but usable private amenity space to the rear of the properties.

The overall site contains two semi detached dwellings built from the 01/03329/FUL planning permission, the proposed dwellings would be smaller but would reflect the style of what has already been built.

The applicant is aware that a contribution towards off-site open space in accordance with policy L1c would be required. The contribution would be used to improve local amenity open space such as the Carr Allotments, local play space such as Viking Road and the new RR Donnelly site and sports pitches within the West Zone of the Sport and Active Leisure Strategy. The contribution has been assessed as £1630.

IMPACT ON NEIGHBOURING PROPERTY

The proposed dwelling would face the recently built dwellings and it is not considered there would be any over looking or loss of privacy by virtue of the 26 metre distance between them. The side elevations have three windows (1 bathroom window and 2 hall windows) the distance between the dwellings on Shirley Avenue and the proposed is 30 metres. A condition is recommended requiring that these windows are obscurely glazed.

It is not considered that the increase in height of the proposed dwellings would significantly increase the loss of light to surrounding dwellings. The proposed dwellings are not considered to have a more overbearing or over dominant impact on what has already been approved.

5.0 CONCLUSION

5.1 The proposed erection of 2 x 4 bedroomed semi detached dwellings would comply with planning policy.

6.0 RECOMMENDATION: Approve

- 1 The development hereby permitted shall be carried out only in accordance with the following plans:-

Drawing Number 1540/138, received 30 August 2006
Drawing Number 1540/129, received 30 August 2006
Drawing Number 1540/130, received 30 August 2006;

or any plans or details subsequently agreed in writing by the Local Planning Authority as 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.

- 2 Open Space

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 alternatives arrangements agreed in

writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy L1 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 a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £1630.

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.

3 TIME2 Development start within three years

4 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A to E; of Schedule 2 Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

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 1995.

5 VISQ8 Samples of exterior materials to be app

6 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 to be retained and to be planted and shall include full details of the treatment of all surfaces within the site. 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.

7 HT1 IN Height...9m...

8 Notwithstanding the submitted plans the windows in the side elevations facing Shirley Avenue and Ouseburn Avenue shall be glazed with obscured glass and shall be maintained with obscured glass thereafter.

Reason: To protect the privacy of the neighbour.

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order) no additional windows other than those shown on the approved plans shall be constructed.

Reason: As the insertion of additional windows could have a serious impact on the privacy of neighbours and should therefore be controlled.

- 10 All construction and demolition or refurbishment works and ancillary operations, including deliveries to the site and despatch from the site shall only be carried out between the hours of 08.00 and 18.00 Mondays to Fridays and 09.00 to 13.00 on Saturdays and not at all on Sundays and Bank Holidays

Reason: To protect the amenities of the occupants of the neighbouring dwellings.

- 11 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: As our in-house research has shown no obvious potential source of contamination at the site, the watching brief is recommended.

- 12 HWAY10 Vehicular areas surfaced, details reqd

- 13 HWAY19 Car and cycle parking laid out

7.0 INFORMATIVES: Notes to Applicant

1. 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 the residential amenity of the neighbours, the visual amenity of the dwellings and the locality, and the provision of off-site open space. As such, the proposal complies with Policies GP1, GP10, L1c and H4a of the City of York Development Control Local Plan (2005).

2. ENVIRONMENTAL HEALTH INFORMATIVES

1) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS5228: 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) There shall be no bonfires on the site.

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