

COMMITTEE REPORT

Committee: West & City Centre Area **Ward:** Westfield
Date: 21 December 2006 **Parish:** No Parish

Reference: 06/01508/FUL
Application at: 73 Gale Lane York YO24 3AD
For: Erection of apartment block comprising 6 no. two bed flats and 1 no. two bed house after demolition of existing dwellings at 73 and 75 Gale Lane (Resubmission)
By: Mr J Wheldon
Application Type: Full Application
Target Date: 29 August 2006

1.0 PROPOSAL

1.1 The application is a resubmission of a scheme previously refused by Members at the West Area Sub-Committee in February 2006 (ref: 05/02410/FULM). The current scheme seeks permission for the erection of a block of seven two-bedroom apartments following the demolition of 73 and 75 Gale Lane.

1.2 The site is currently occupied by a pair of semi-detached houses which face Gale Lane. Planning permission was recently granted for a detached house in the side garden of number 73 Gale Lane. This application has not been implemented.

1.3 The previous refused scheme comprised 12 no. one and two bedroom flats in 2 no. three-storey blocks. The proposal was considered to be an overdevelopment out of character with its surroundings; would cause harm to the living conditions of the neighbours; would harm road safety; did not provide adequate bin or cycle storage and would have resulted in a development that would be vulnerable to crime.

1.4 The application was deferred from committee in October in order for Safer York Partnership (SYP) comments to be received, to allow for information to be sought in relation to refuse collection and to ensure that a highway officer can be present to report back to Members. Comments have now been received from the Safer York Partnership, on the original scheme and a recent revision, and comments from the CYC Refuse Services have been received and are contained within the Representations section.

REVISIONS

1.5 The applicant states that both pedestrian and vehicular gates will be locked with keypad access only. In line with the SYP comments the bike sheds have been pushed slightly back into the site to allow them all to be overlooked from the proposed development. It is felt that individual brick bike sheds are safer than communal sheds, often seen in flatted developments. Additional landscaping has been provided to the front of the development to give a sense of ownership and to prevent an easy walk through for intruders. The amended plans also included an

area on site, adjacent to Tudor Road, where bins can be parked on collection day and accessed by the refuse collectors. However, comments received from the Waste Department state that the collectors would not enter the site and the bins must be presented outside on the pavement. As such fresh plans have been requested to remove this area from the scheme.

1.6 In connection with highway concerns it is noted that at present there are two vehicular access points onto Gale lane, which will be reduced to one as part of this application. In addition planning permission has previously been granted for an additional dwelling adjacent to 75 Gale Lane, served by an existing access. These three houses on the development site could have the potential to provide far more vehicle spaces and movements than the eight proposed by the current scheme.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

2.2 Policies:

CYGP1
Design

CYGP3
Planning against crime

CYGP9
Landscaping

CYH4A
Housing Windfalls

CYH5A
Residential Density

CYT4
Cycle parking standards

CYL1
Open spaces in new residential devts

3.0 CONSULTATIONS

3.1 Internal

Highway Network Management - With reference to the amended drawings submitted by the applicant's agent and received on 21st September, for the demolition of existing dwellings on this site and the construction of an apartment block containing 7 no. 2 - bed units, there are now no highway objections to the application.

Engineering consultancy - Insufficient detail has been submitted to determine the potential impact the proposal may have on existing drainage systems. Details of the existing surface water systems should be provided together with details for the new development. Existing and proposed ground levels for the site and adjacent properties should be shown. Existing and proposed surfacing should be shown.

Environmental Protection Unit - The Environmental Protection Unit have no objections to this application. However the site is in close proximity to residential properties that may be adversely affected by noise during any demolition, construction and refurbishment work. Although the site is unlikely to be affected by land contamination, it is recommended that a condition, which places a watching brief for the discovery of any unsuspected contamination, is placed on the approval.

Education - No contributions are required.

Lifelong Learning and Culture - Financial contribution required for improving local leisure facilities.

Refuse Services - The bins would have to be presented to the road site, and this would appear to be along Tudor Road. As the vehicle would come from Gale Lane into Tudor Road the vehicle would stop with the rear of the vehicle level with the small gateway by the bin store to load. The back of the vehicle would be beyond the stopping area for the FTR (effectively in front of the bus stop) and given the bins are by the road we would only need 2-3 minutes to empty seven bins or boxes.

Revised Plans - We operate a curtilage collection which requires householders to present their bins outside the property boundaries for collection which would mean these bins need to be presented outside on the pavement as with any other properties.

3.2 External

Environment Agency - No objection.

Safer York Partnership - No response received.

Neighbours - Two letters of objection received to the initial scheme from 106 Gale Lane and 130 Tudor Road:

- Increased traffic at an already busy junction
- Loss of trees and hedges
- Inappropriate to the area as terrace and semi-detached prominent within the area
- Bin store at a distance to the properties and people may store refuse elsewhere on site
- Smell and vermin from the bin store
- Bike stores could be used to store other equipment such as flammables

- Flat roof of bin and bike store will give easy access to garden area by intruders
- Children may play ball games against the bike store and boundary wall
- Loss of privacy by living accommodation
- The gates shown address security issues but only if they are locked

Revised scheme: Two letters of objection from 69 and 71 Gale Lane:

- Possible danger due to number of cars entering and leaving the site at junction
- Kerbed access over neighbouring dropped kerb
- Existing 4ft lap larch fence inappropriate to boundary with proposed access
- Brick boundary wall to 71 Gale Lane should be built within the application site

Additional comments from 130 Tudor Road:

- Overdevelopment of the site
- Sheds and walls should be constructed in a way that prohibits, as far as possible, climbing to gain entry into neighbours gardens
- External lighting should be carefully considered
- Issues arising with 7 bins plus other recycling containers being strewn around obstructing the pavement, bus stop and drive

Safer York Partnership - 'Open Space' - Whilst the developer has gone some way to defining the front boundary and gating both pedestrian and vehicle access to the rear and side of the property so providing that definition between public and private space, there is still no boundary between the properties at the front. All four garden areas are separated by a path and these should be further separated and secured by either defensive planting or fencing so preventing its use as an escape route, short cut or to make anti social behaviour easier by increasing access. This would decrease the feeling of openplan and create a feeling of ownership particularly by those in the ground floor flats.

'Gates' - It could be impractical to insist on the vehicle gates remaining closed but the pedestrian gates could easily be secured with a keypad or some sort of access control to restrict its use. If the developer were willing to install similar system to the vehicle gate it would greatly decrease the prospect of crime and anti social behaviour at the rear of the development.

'Sheds'- The sheds and stores adjacent to 130 Tudor Road are quite vulnerable if the pedestrian gate were to remain unlocked. All refuse sheds, the tools shed and at least one cycle shed are not overlooked by any windows. All sheds and stores should be incorporated within the individual units where they would be more likely to be used and looked after.

'Car Parking' - This area appears to have good natural surveillance although there is no mention of lighting.

'Access' - The access to some parts of the building line makes those ground floor windows vulnerable to attack. Windows and doors should be security tested. Fencing or shrubbery can be used as a means of creating areas of defensible space to the front of windows making attack less likely.

Comments on Revised Scheme:

- Still no mention of keypads to the gates
- gates would need to be self closing otherwise they would be left open after use
- The repositioning of the stores now affords better protection with increased natural surveillance
- No lighting details for the stores or car parking
- Planting to the front is welcomed but none provided to the rear windows
- The front of the bin stores should be see through weld mesh or slatted steel fencing so potential offenders are aware it is only a bin and won't be tempted to force the door

4.0 APPRAISAL

4.1 Key Issues

- Design and Visual Amenity
- Impact upon neighbouring residents
- Access and highway Safety
- Design and Crime

4.2 The relevant City of York Council Draft Deposit Local Plan Policies are GP1, GP3, GP9, H4a, H5a, L1c and T4. Policy GP1 'Design' 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 GP3 states that new development will be required to incorporate crime prevention measures to achieve natural surveillance, secure locations for car and cycle parking and satisfactory lighting. Policy GP9 requires a suitable landscape scheme to be planned as an integral part of the proposals where appropriate.

4.3 Policy H4a 'Housing Windfalls' 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 H5a 'Residential Density' states that the scale and design of residential developments should be compatible with the character of the surrounding area and must not harm local amenity. Applications for all new residential developments, dependant on individual site circumstances and public transport accessibility, should aim to achieve net residential densities of greater than: 60dph in the city centre; 40dph in the urban area and 30dph elsewhere in the city of York. Policy T4 states that cycle parking provision should be in line with Council standards. 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.

DESIGN AND IMPACT ON THE VISUAL AMENITY OF THE AREA

4.4 The application site consists of a pair of semi-detached houses located at the junction of Gale Lane and Tudor Road. It is proposed to demolish the houses and erect a block of seven two-bedroom apartments. The building would be two storey with rooms incorporated within the roof space. There would be three self-contained units at ground floor. Individual accesses would be provided to three apartments covering the first floor with their master bedroom being located within the roof space. A single unit is proposed which would incorporate living accommodation at ground floor with two bedrooms to the first floor and no living space within the roof.

4.5 The building has been designed in an 'L' shape allowing frontage to both Tudor Road and Gale Lane. Its design is relatively uniform with slight setbacks and projecting porches to allow relief to the elevations. Details are provided to the cills and headers and a soldier course has been incorporated to all elevations. It would be constructed with a hipped roof to reflect neighbouring residential properties and to reduce its bulk. It would have an eaves height of 5.3m and a ridge height of 8.65m. The section adjacent to 71 Gale Lane has been reduced to two storey only, with no rooms provided within the roof, and as such has a similar eaves height but the ridge is reduced to 7.3m.

4.6 Access to the site would be provided by way of an improved entrance onto Gale Lane, adjacent to number 71. This would serve the car parking area which is enclosed to the rear of the site between the development and the boundary to number 71. Eight car parking spaces would be provided, one per dwelling and one visitor. A communal garden area would also be located to the rear of the building. A long low pitched roof building is proposed along the boundary with 130 Tudor Road which would house eight individual cycle stores, a tool shed and five secure refuse and recycling units.

4.7 The character of the locality is that of a well established suburban residential area, dominated by two storey houses with their own front and rear gardens. Policy H4a encourages residential development schemes in accessible urban sites that increase density. The scheme calculates at 76 dwellings per hectare. It is considered that this intensity of development can be accommodated within the site without being detrimental to the character of the area, the streetscene or neighbouring residential amenity.

4.8 The apartment block has been designed to minimise the impact upon neighbouring residential properties. The scheme incorporates hipped roofs to reflect those present within the vicinity and would have eaves and ridge heights similar to those of 71 Gale Lane. The ridge would, however, be 1.3m higher than that of the adjacent property at 130 Tudor Road but this would be at a distance of 7m away and would not appear to be overdominant or overbearing on the neighbouring property or streetscene. Furthermore, the section of the development immediately adjacent to 130 Tudor Road would follow the same building line, before projecting towards the highway, giving a visual break in the front elevation. This elevation would reflect the neighbouring terrace properties in terms of bulk and mass.

4.9 The scheme has been designed to retain the existing boundary hedge, softening the appearance of the development, and incorporate areas of landscaping to the rear

and front of the building. These areas reflect the suburban nature of the street and integrate the scheme into the local environment in accordance with policy GP9.

IMPACT UPON LIVING CONDITIONS OF NEIGHBOURING RESIDENTIAL PROPERTIES

4.10 In respect of residential amenity policy GP1 i) seeks to ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures. The two properties principally affected by this proposal are 130 Tudor Road which is a small end of terrace house with a large rear garden and 71 Gale Lane which is an extended two storey semi detached house with rooms in the roof and a large outbuilding running along the boundary with the application site.

4.11 The scheme has been designed to prevent any detrimental impact upon neighbouring residents in terms of overshadowing or overlooking. The block of apartments would follow the lines of the front and rear elevation of the neighbouring residential properties and would be set at a distance of between 6.8 and 7.4 metres from their side elevations. The main bulk of the building would be at a distance of 15m from the shared boundary with 71 Gale Lane and as such there would be limited impact in terms of overshadowing of the properties and their garden areas.

4.12 The rear elevation of the development facing 71 Gale Lane would be at a distance of between 15m and 18.5m to the shared boundary, due to the slight angle of the development, and 22m to the central section of the garden, immediately behind the property. There would be six windows to this first floor elevation opening into two bathrooms, which would be obscure glazed, two bedrooms and two dining areas. It is considered that these distances are acceptable and would not lead to any detrimental impact in terms of loss of privacy. With regard to the property facing Tudor Road the nearest windows of the development, being first floor bedroom windows, are at a distance of 21.5m to the shared boundary which is also considered to be acceptable.

ACCESS AND HIGHWAY SAFETY

4.13 One of the reasons for refusal on the previous application specifically related to the vehicular access to the site and highway safety implications. The number of units has been substantially reduced since the original application and accordingly the number of parking spaces has been reduced from 15 spaces to 8 spaces, being one per unit and one visitor. It is considered that traffic associated with seven two bed apartments is in lines with what can be expected from the existing dwellings at 73 and 75 Gale Lane plus the dwelling which has outline consent and is positioned in the corner of the plot.

4.14 Initial comments requested that a formal kerbed access be provided to the site. However, this cannot be achieved due to the close proximity of the neighbouring access at 71 Gale Lane. There are no objections raised though on the condition that the access be widened to allow for two way flow into and out of the site.

DESIGN AND CRIME

4.15 Comments from the Safety York Partnership have been included in the report as part of the representations section. However, in general key pad access has been provided to the pedestrian and vehicular access to the site. The cycle stores have been amended slightly to allow them all to be overlooked from the proposed development. It would be preferable to accommodate all cycle and stores inside the building but this would be impractical. No lighting details have been provided for the stores or car park area. Increased planting has been provided, as recommended, to the front of the buildings to prevent easy access through the site and to create a sense of ownership of the development. It is suggested that the front of the bin stores are welded mesh so potential intruders are aware it is only a bin and won't be tempted to force the door.

OPEN SPACE

The applicant has agreed to provide a contribution towards off-site open space in accordance with policy L1c. The contribution would be used to improve local amenity open space such as Hob Moor, local play space such as Foxwood Lane and sports pitches within the West Zone of the Sport and Active Leisure Strategy. The contribution has been assessed as £5257.

5.0 CONCLUSION

5.1 It is considered that the proposal accords with council policy. There would not be any detrimental impact upon neighbouring residents amenity in terms of overshadowing or loss of privacy. The design of the scheme reflects neighbouring properties and the bulk and massing are considered to be appropriate. There would not be any highway implications and adequate on site parking is provided. Officers recommend approval.

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-

JW/GL/7 received 18th September 2006

JW/GL/8 received 18th September 2006

JW/GL/6 received 16th November 2006

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.

- 3 HWAY10 Vehicular areas surfaced, details reqd
- 4 HWAY17 IN Removal of redundant crossing
- 5 HWAY19 Car and cycle parking laid out
- 6 HWAY21 Internal turning areas to be provided
- 7 HWAY25 Pedestrian visibility splays protected
- 8 HWAY29 IN No gate etc to open in highway
- 9 NOISE7 Restricted hours of construction
- 10 VISQ8 Samples of exterior materials to be app
- 11 DRAIN1 Drainage details to be agreed
- 12 HT1 IN Height ...8.7m...
- 13 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.

- 14 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 requirements 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 £5257.

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.

- 15 The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with the approved plans, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

- 16 VISQ4 Boundary details to be supplied

- 17 Details of the proposed method of lighting the car parking area and stores shall be submitted to and approved in writing by the Local Planning Authority and shall be operational prior to the first occupation of the development

Reason: To ensure neighbouring amenity is not unduly affected by unacceptable levels of illumination emitting from the development site.

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 to the character of the area, residential amenity, open space provision and highway safety. As such the proposal complies with Policy H9 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GP1, GP3, GP9, H4a, H5a, L1c and T4 of the City of York Local Plan Deposit Draft.

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