

COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Micklegate
Date: 19 April 2007 **Parish:** Micklegate Planning Panel

Reference: 07/00436/FUL
Application at: St Benedict Court St Benedict Road York YO23 1YF
For: Erection of 8no. two and three storey town houses and associated works
By: Moorside Developments Ltd
Application Type: Full Application
Target Date: 20 April 2007

1.0 PROPOSAL

Proposal

1.1 The application relates to the land on which the Promenade Working Men's Club formerly occupied. The land is now cleared; the proposal is to develop the site for family housing. Eight houses are proposed, two of which would be 2 bed dwellings, and the other six are 3 or 4 bed dwellings. The site is 0.077 hectares in size thus the development would be at a density of around 104 dwellings per hectare.

Site surrounds

1.2 The application site lies behind the commercial stretch of Bishopthorpe Road. It would face the rear of the shops; there is a car park southeast. To the rear of the site (west) is a row of garages; otherwise the land to the west of the site consists of a more modern (post war) series of housing blocks around communal amenity space.

Planning History

10 (2 bed) flats and a replacement Working Men's Club facility (smaller in size, 216.5 m sq) were approved in September 2003. Submitted Jan 03. Reference 02/03863/ful.

12 (2 bed) flats were refused permission in September 2004. Submitted Jan 04. Reference 04/00430/ful. Refused at planning committee on the following grounds,

"The proposal would result in the loss of a facility, which is available for public function hire and by local activity groups within the local community. Furthermore, it has not been demonstrated that the existing land or buildings are surplus to or no longer capable of meeting the existing or future needs of the local community, as such the proposal fails to accord with The Councils Draft Local Plan Policy C3 (b) (Change of Use of Community Facilities)".

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006
City Boundary York City Boundary 0001
DC Area Teams Central Area 0002
Floodzone 2 Flood Zone 2 CONF

2.2 Policies:

CYGP1	Design
CYGP4A	Sustainability
CYH4A	Housing Windfalls
CYH5A	Residential Density
CYL1C	Provision of New Open Space in Development
CYC3	Change of use of community facilities
CYED4	Developer contributions towards Educational facilities
CYC6	Contributions to community facilities

3.0 CONSULTATIONS

Internal

Highway Network Management

3.1 Advise that the development provides car parking in accordance with CYC (City of York Council) standards and officers consider that vehicles will be able to access the spaces to the front of the properties without alteration to the Respark bays opposite the development. The following recommendations are made,

- It is suggested that the cycle stores for the 4 bedroom properties be larger, although they are within standards.
- The construction of the new vehicle crossings will necessitate the relocation of an existing speed bump at the expense of the applicant. This is likely to require consulting local neighbours and will cost between £2.5k and £5k depending on the works deemed necessary.
- Due to the restricted levels of car parking the developer should offer an initial years car club membership for each dwelling at a cost of £1280, in order to restrain car ownership within the city and promote sustainable methods of transport.
- The site falls within Residents Parking Zone R16, and as this zone is presently heavily subscribed, it is considered that in line with other development proposals, it would be appropriate to remove it from R16. This will mean that the occupants of the dwellings will not be eligible to apply for permits for either personal or visitor use. If planning consent is forthcoming (and implemented) the amendment to the zone will be processed under The Traffic Regulations 1984. The associated costs of undertaking such amendments will be sought from the

applicant and are unlikely to exceed £1500. An informative should be included on the notice of decision, to notify the applicant of the above.

3.2 There are no highway objections subject to the following:

Section 106 - car club membership, relocation of speed bump and exclusion from Respark.

HWAY 10 - vehicular areas surfaced.

HWAY 13 - access to be improved.

HWAY 17 - removal of redundant crossing.

HWAY 19 - car and cycle parking laid out.

HWAY 25 - pedestrian visibility splays.

HWAY 31 - no mud on highway.

HWAY 38 - off site highway works, relocation of existing speed bump details to be agreed.

Also informatives listed in section 7.

Sustainability Officer

3.3 The details of the application offer no information relating sustainable design and construction of the proposal and do not include a sustainability statement in accordance with policy GP4a of the Local Plan. (However) The design offers some energy and materials savings as it offers terraced properties that are inherently more efficient than semi of detached properties. In addition the proposal will be subject to the 2006 building regulations that will substantially increase the energy efficiency of the proposal. The achievement of a BREEAM EcoHomes standard of 'very good' may be relatively easy for the applicant to achieve. If the application were to be approved it is recommend the use of a condition requesting a BREEAM EcoHome assessment be carried out to achieve a 'very good' standard.

Drainage

3.4 No objections. Although the site is shown to be in Flood Zone 2, the Environment Agency's maps appear to be in error as the site is elevated above 13.0m AOD (the 2000 flood reached a level of 10.40m AOD.).

External

3.5 Planning Panel - No response

3.6 Police Architectural liaison Officer (ALO) - Offered the following comment on the original (since revised scheme)

- Concerned that the enclosed rear courtyard would lead to a lack of surveillance into and from the rear courtyard. The revised plans address this, it is now proposed that railings are used opposed to a solid brick wall.
- Asks for appropriate lighting and security tested ground floor windows (fitted with opening restrictors). The agent agrees to implement such measures.
- Concern that the lack of car parking would lead to people parking cars away from the dwellings, where they would be subject to less surveillance. The parking

provided in-curtilage is adequate and thus it would be inappropriate, contrary to PPG13: Transport to demand additional car parking spaces.

- The developer should try to achieve Secured by Design award status for the development. This could be advised by informative.

3.7 Publicity, the application was publicised by neighbour notification and site notice, deadline for comment was 26 March 2007. 4 written representations have been received. They raise the following points,

- Residents in the area would like a social club, " there is no place to go to socialise in this area"
- The WMC was used for parties, local residents association and other meetings. A social room should be part of the new development.
- There is no turning facility for car parking spaces, thus cars would need to reverse into or out of the off street car parking - this would be detrimental to highway safety. It is suggested that a different access point to the site is considered.
- Another resident raises concern that more stress would be placed on the Res.-park zone if no off street parking is provided.

4.0 APPRAISAL

4.1 Key issues

Principle of development

Design

Sustainability

Highways

Financial contributions

4.2 Relevant policy

National policy

- PPG3: Housing (and forthcoming PPS3)
- PPG13: Transport

Of the Draft Local Plan (incorporating the 4th set of changes)

- GP1 states that development proposals must, respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with the surrounding area; avoid the loss of open spaces which contribute to the quality of the local environment; retain, enhance, or create urban spaces; provide and protect amenity space; provide space for waste storage; ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or overdominance
- GP4a states all proposals should have regard to the principles of sustainable development.

- H4a states that proposals for land not already allocated on the proposals map will be granted permission where: the site is within the urban area and is vacant, underused or it involves infilling, redevelopment or conversion of existing buildings; the site has good accessibility to jobs, shops and services; and it is of an appropriate scale and density to surrounding development and it would not have a detrimental impact on existing landscape features.
- H5a states the scale and design of proposed residential developments should be compatible with the surrounding area and must not harm local amenity. It also recommends densities that development should achieve, 60 dwellings per hectare in city centre, 40 in urban areas and 30 elsewhere.
- Policy C3 states permission will only be granted for the change of use of community facilities where; the proposal is of a scale and design appropriate to the character and appearance of the locality; it can be demonstrated that the existing facility is no longer needed; or where alternative sites can be provided.
- L1c states developments for all housing sites will be required to make provision for the open space needs of future occupiers. For sites of less than 10 dwellings a commuted sum payment will be required for off site provision.
- ED4 states that in considering proposals for new residential development, any consequences for existing educational facilities will be assessed in accordance with the approved supplementary planning guidance. Where additional provision is necessary as a direct result of the proposal, developers shall be required to make a financial contribution toward the provision of such facilities. Similar guidance is included in policy C6.

Principle of development

4.4 The site is in a sustainable location and the land was previously developed. As such the site is suitable for housing, in terms of policy H4a of the Local Plan and national guidance contained in both PPG3: Housing and the emerging PPS3. However the previous use must also be considered. There is contention as to whether the WMC was a community facility. Although officer's considered it to be a private members club, the planning committee refused the last application for housing on the site on the grounds that there was a loss of community facility. The reason for refusal is quoted in 1.3. This application has been approached with the view that provided the proposal complies with policy C3 of the Local Plan, i.e. it can be demonstrated that alternative sites are available nearby and that the WMC is no longer required, then the use of the site only for housing would be appropriate.

4.5 The agent has advised that the developers have approached the trustees of the WMC (McMahon, Bridge and Greenhall), offering to provide the facility approved in application 02/03863/ful (a copy of the letter is on file). There has been no response to this offer. The WMC closed in 2005. To date it does not appear that the application for the replacement facility will be implemented before the permission expires in September 2008, and no alternative schemes have been brought forward for planning permission. This indicates a limited demand for the facility.

4.6 It was stated by a Trustee of the WMC (Mr Bridge) in the previous application that the club was open six days a week, there was a function room which could be hired out for use by non-members, karate club and line-dancing lessons occurred one time a week. It has been brought to officer's attention that there are sites nearby offering similar facilities to those previously offered at the WMC. Notably Guppy's Enterprise Club on Nunnery Lane, the club describes itself as a centre for art education, hobbies, leisure activities, and a meeting place for groups, clubs and societies. It is around 300m from the application site. The club hosts a range of community groups and classes such as Kung-Fu. The premises are available through the day and evening at least six days a week. Also on Nunnery Lane is the Victoria Vaults Public House which has a function room for hire. There is also a St Clement's Church hall community centre, located around 240m from the application site. Additionally, there are numerous public houses nearby the site. Overall in officer's opinion there are adequate alternative community facilities existing within the catchment area of the application site, to allow the redevelopment of the WMC site for housing.

Design

4.7 The application proposes a terrace of housing with a comparative front building line to the row of dwellings in which it is located. The row steps up in height from two storeys on each side to three storey in the centre. The height of 2/3 storeys is common in this area, in both the older terraced houses and the newer blocks of housing to the west. The previous application approved a more modern appearance, opposed to this scheme which relates more to the traditional terraced housing common to the locality. In officer's opinion the design, including shape and massing, and boundary treatment of this scheme is appropriate to the locality and is acceptable. The provision of housing, opposed to flats is also welcomed.

Sustainability

4.8 The location itself is sustainable and the layout makes provision for cycle and refuse (including recyclable) storage. It promotes alternative (non-private vehicle) means of transportation. The Local Planning Authority Sustainability officer has advised that the design offers some energy and materials savings as it proposes terraced properties that are more efficient than semi detached properties. Furthermore building regulations will substantially increase the energy efficiency of the proposal. It has been suggested that a BREEAM EcoHomes standard of 'very good' may be relatively easy for the applicant to achieve. This would benefit the developer, as it would enhance the status of the housing. However, the agent has stated that the developer would be unwilling to pay to appoint an assessor and achieve the BREEAM standard. Because the Supplementary Guidance Document on Sustainable Design and Construction is yet to be adopted (which would expect the development to achieve a BREEAM very good standard) it is considered by officer's that although a BREEAM assessment would be welcomed, it is not mandatory and thus should not be insisted upon.

Highways

4.9 Subject to the recommended conditions Highway Network Management are satisfied that the proposed development delivers adequate car and cycle parking provision and would not be detrimental to highway safety. It is considered by officers that it is the choice of the developer as to whether they wish to offer future residents car club membership. There are presently no Local Plan policies which require this and given the provision of off street parking and the proposed removal from the re-park zone it would appear unreasonable to require this.

Financial contributions

4.10 In accordance with policy L1c of the Draft Local Plan, should the application be approved the applicant / developer would be required to make a contribution of £10,771 to the Local Planning Authority toward the provision of open space. As the application proposes less than 10 dwellings, a commuted sum payment will be required for off site provision. The money would go toward improving sites such as Rowntree Park or Scarcroft Green, and improving sports / leisure facilities in the 'South Zone' of the city.

4.11 Policy ED4 states that a contribution toward education may also be required. The requirement for a contribution is triggered at 1 primary place per 4 dwelling units and 1 secondary place per 7 dwelling units. As such the proposed development would generate the need for 2 primary spaces and (in this case) 1 secondary place. Commuted sums are thus required if there is identified need.

4.12 There are currently extra places required at Scarcroft Primary and Millthorpe Secondary (although there are spare spaces presently, considering the approved housing schemes in the locality, there would be demand for spaces). It is therefore required that a commuted sum toward primary and secondary education is provided. The total contribution would be £35,859 (10,164 per primary space, 15,531 per secondary place).

4.13 The agent agreed verbally on 2.4.2007 that the developer would be willing to pay the required contributions.

5.0 CONCLUSION

5.1 The redevelopment of the application site, without the community facility is considered to be acceptable. The proposed development is also considered to be acceptable in terms of design and highway safety. Approval is recommended.

6.0 RECOMMENDATION: Approve

- 1 PLANS1
- 2 TIME2
- 3 VISQ8

- 4 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs at the front of the houses. This scheme shall be implemented within a period of six months of the completion of the development.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

- 5 HWAY10 Vehicle areas to be surfaced

- 6 HWAY13 Access / junctions to HWAY to be laid out

- 7 The development shall not be occupied until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the kerb to match adjacent levels.

Reason: In the interests of good management of the highway and road safety.

- 8 HWAY19 Car and cycle parking to be laid out

- 9 HWAY25 Pedestrian visibility splays

- 10 HWAY31 No mud on HWAY

- 11 HWAY38 Relocation of speed bump

- 12 HT1 Height of building(s) not to exceed 10 metres

- 13 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: 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 £10,771.

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.

- 14 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 Policies C6 and ED4 of the City of York Draft Local Plan and the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated April 2006.

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 £35,859. The basis for this calculation is contained within the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated April 2006.

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.

- 15 ARCH2 Watching brief required

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 loss of a community facility, amenity, design and highway safety. As such the proposal complies with Policy H6 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GP1, GP4a, H4a, H5a, c3, l1c and ED4 of the City of York Local Plan Deposit Draft.

2. 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:

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

3. You are advised that this proposal may have an affect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

4. The applicant is asked to note that the development/property (as proposed), is not considered eligible for inclusion within the Residents Parking Zone, and it will be removed from such under the Traffic Regulations 1984.

Upon commencement of development on the site the applicant is requested to contact the Council's Network Management Section (tel 01904 551450) in order that the amendments to the Residents Parking Scheme can be implemented prior to the occupation of the development.

5. The applicant's attention is drawn to potential crime reduction by considering the Police 'Secured by Design' Award Scheme for this site. Full details and an application form for the scheme can be found on www.securedbydesign.com

Contact details:

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