

COMMITTEE REPORT

Date: 6 December 2018 **Ward:** Westfield
Team: Major and **Parish:** No Parish
Commercial Team

Reference: 18/02441/GRG3
Application at: Garage Court Site At Newbury Avenue York
For: Variation of condition 16 of permitted application
18/00410/GRG3 to alter date of providing 4no. public parking
spaces to prior to commencement of the superstructure of
the bungalows
By: City Of York Council
Application Type: General Regulations (Reg3)
Target Date: 20 December 2018
Recommendation: Delegated Authority to Approve

1.0 PROPOSAL

1.1 Application 18/00410/GRG3 gave permission for the demolition of a garage block and its replacement with 5 bungalows, associated parking and landscaping works. The application seeks to vary condition 16 of 18/00410/GRG3 which reads:

Prior to the commencement of development, the four parking spaces accessed off Newbury Avenue shall be constructed and made available for public use.

Reason - In the interests of the safe and free flow of the highway. This must be carried out prior to demolition to provide replacement car parking.

1.2 It is requested that the trigger point for the condition is varied to 'Prior to the commencement of the superstructure of the bungalows' to allow demolition and ground works to take place before the spaces are provided.

1.3 The 4 parking spaces to which the condition relates were included in the scheme following the pre-submission public consultation. There was concern raised about the loss of parking within the garage court combined with an existing pressure for on-street parking in the locality.

1.4 The application has been called-in for determination at committee by Councillor Waller because of the impact on traffic and parking in the area.

2.0 POLICY CONTEXT

2.1 Policies:

3.0 CONSULTATIONS

INTERNAL

Highways Network Management

3.1 No objection is raised to the proposal. The original condition was not suggested by Network Management who requested that parking was provided prior to occupation not development. The net gain from the proposed spaces on Newbury Avenue is 2 parking spaces as the 4 spaces shown preclude 2 existing on-street spaces. Also, it is understood that the garages are empty at present. Therefore, Network Management do not object to the proposed change to the wording of condition 16.

EXTERNAL

Neighbour notification and publicity

3.2 A representation has been received from a local resident objecting to the proposal. Concern is related to a shortage of parking in the area which will be exacerbated by the loss of the garage block. The provision of the 4 spaces on Newbury Avenue before demolition of the existing garages is essential. The telecommunications cabinet has been in situ since before the previous application was approved at committee.

4.0 APPRAISAL

4.1 KEY ISSUES

Whether the proposed change to the trigger point of condition 16 of 18/00410/GRG3 is acceptable

POLICY CONTEXT

National Planning Policy Framework (NPPF)

4.2 The National Planning Policy Framework (NPPF) sets out the Government's overarching planning principles. Para.11 refers to the presumption in favour of sustainable development and requires that where there are no relevant development plan policies or the policies are out of date then permissions should be granted unless any adverse impacts of doing so would significantly and demonstrably

outweigh the benefits. Para.59 states that, to support the Government's objective of boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Publication Draft York Local Plan 2018

4.3 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications.

4.4 The following policies are relevant:

- Policy T1 'Sustainable access' refers to the need for development to minimise the need to travel, provide suitable access for all and to promote more sustainable modes of transport.

Development Control Local Plan (DCLP) 2005

4.5 City of York Council does not have a formally adopted Local Plan. Nevertheless The City of York Draft Local Plan Incorporating the Fourth Set of Changes Development Control Local Plan (Approved April 2005) was approved for Development Management purposes.

4.6 The 2005 Draft Local Plan does not form part of the statutory development plan for the purposes of S38 of the 1990 Act. Its policies are however considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF.

4.7 Development Control Local Plan (DCLP) policies relevant to the development are:-

- Policy T18 Highways refers to the circumstances where increases to existing road capacity will be supported.

ASSESSMENT OF THE IMPACT OF THE CHANGES PROPOSED TO CONDITION 16 OF 18/00410/GRG3

4.8 Changes are proposed to the trigger point for condition 16 as a telecommunications cabinet has been sited in the footway in front of the parking spaces which needs to be moved before the spaces are constructed. The cabinet and associated cabling is owned by 2 providers which has complicated the re-siting of the equipment. To prevent further delay in provision of the 5 council bungalows approved under 18/00410/GRG3 it is requested that works can start on site prior to provision of the 4 public parking spaces secured under condition 16. It is intended that the parking spaces will be provided prior to above ground works and as soon as possible after the re-siting of the telecommunications equipment.

4.9 Officers note that all garages within the garage court are now empty and there will therefore be no further displacement of parking when the garages are demolished. The additional parking provided by the spaces is minimal and unlikely to result in any significant impact on parking issues in the locality. The 4 spaces proposed in condition 16 can only be achieved by losing 2 on-street parking spaces thereby resulting in a net gain of only 2 parking spaces.

5.0 CONCLUSION

5.1 It is considered that it would be unreasonable to refuse the application to relax the trigger point for condition 16 to allow demolition to commence prior to provision of the parking spaces. The level of parking provided by the spaces is small and the delay in their provision would not have any significant impact on residential amenity or the safety of the public highway but would delay the provision for 5 Council houses for which there is a known need. The proposal is considered to comply with policies D1 and T1 of the emerging Local Plan.

6.0 RECOMMENDATION: Delegated Authority to Approve following the expiry of the consultation period any additional comments or objections received to be considered by the Chair and Vice-Chair

1 The development shall be begun not later than the expiration of three years from the date of the original planning permission 18/00410/GRG3.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the
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following plans and other submitted details:-

Location plan

18-1-1058-NPS-A-00-002 P3 2 GA Plan elevation and section

18-1-1058-NPS-A-00-003 P3.2 Proposed site plan

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

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of above ground works. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

4 Prior to first occupation or use, the remediation scheme as detailed in the Geo-environmental Investigation J2671/14/E dated April 2014 must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

5 LC4 Land contamination - unexpected contam

6 Prior to first occupation a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs shall be submitted and approved in writing by the Local Planning Authority. 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.

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7 Prior to the commencement of any service or utilities works that would impact on Hob Moor Local Nature Reserve, a derogation from the Higher Level Stewardship agreement must be obtained from Natural England, and a method statement for construction works and reinstatement approved in writing with the Local Planning Authority. Works shall then be undertaken in accordance with the approved details.

Reason: To protect and maintain Hob Moor Local Nature Reserve, a statutorily designated nature conservation site. Details are required prior to installation of services to prevent harm to Hob Moor LNR.

8 Prior to occupation, one off street parking space shall incorporate a suitably rated electrical socket to allow 'Mode 2' charging of an electric vehicle using a standard 13A 3 pin socket and a 3m length cable.

Reason: To provide facilities for charging electric vehicles in line with the NPPF and CYC's Low Emission Strategy.

Notes

Optionally, a suitable 'IEC 62196' electrical socket (minimum rated output of 3.7kw /16A) can be provided in addition to the standard 13A 3 pin socket to allow 'Mode 3' charging of an electric vehicle. Mode 3 charging, using a suitable cable and charging point, allows faster charging of electric vehicles. Further advice can be provided by City of York Council's Public Protection team on request.

All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015)."

9 All construction and demolition works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

Reason: To protect the amenity of local residents.

10 A detailed method of works statement identifying the programming and management of site clearance/excavation/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The statement shall include at least the following information:

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- a) Protection of the hedgerow within Hob Moor on the Southern boundary of the site.
- b) A scheme for maintaining a stock proof fence on the Southern boundary at all times.
- c) Means of preventing the encroachment of works, materials, etc on to Hob Moor during demolition and construction.

Reason: To ensure that the development can be carried out in a manner that will not harm Hob Moor. Details are required prior to the commencement of development to ensure demolition/ construction does not impact on the neighbouring Local Nature Reserve.

11 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), development of the type described in Classes A, B, C, D and E of Schedule 2 Part 1 of that Order shall not be erected or constructed.

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 2015.

12 Prior to construction details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, shall submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to first occupation of the dwellings.

The information shall include site specific details of:

- i) the means by which the surface water discharge rate shall be restricted to a maximum 9.2 l/sec, and
- ii) the means by which the surface water attenuation up to the 1 in 100 year event with a 30% climate change allowance shall be achieved
- iii) future management and maintenance of the proposed drainage systems

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site. Details are required prior to construction to ensure a satisfactory scheme is agreed prior to works taking place.

13 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage

works:

Reason: So that the Local Planning Authority may be satisfied that no foul and surface water discharges take place until proper provision has been made for their disposal.

14 Prior to their construction, full engineering, drainage, street lighting and constructional details of the streets proposed for adoption shall be submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason - In the interest of good planning and road safety.

15 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

16 Prior to the commencement of above ground works, the four parking spaces accessed off Newbury Avenue shall be constructed and made available for public use.

Reason - In the interests of the safe and free flow of the highway.

7.0 INFORMATIVES:

STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

In considering the application, The Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

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