

H4 - Housing development in existing settlements
L1 - Open spaces in new residential developments
S10 - New local and village shops

3.0 CONSULTATIONS

INTERNAL

3.1 ENVIRONMENTAL PROTECTION UNIT has concerns regarding this application. The site is in close proximity to residential properties. I therefore have concerns regarding nearby residents being adversely affected by noise during any demolition, construction and refurbishment work. Although the site is unlikely to be affected by land contamination, I would recommend that a condition, which places a watching brief for the discovery of any unsuspected contamination, is placed on the approval. Therefore, the following conditions are recommended:

1. All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to 08:00 to 18:00 Monday to Fridays, 09:00 to 13:00 Saturdays and no works at all shall be carried out on Sundays and Bank Holidays.

Reason: To protect the amenity of local residents during the construction of the development.

2. 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.

I would also request that the following informative is included:

The developer's attention should be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval:

- 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.

3.2 HIGHWAYS NETWORK MANAGEMENT: The proposal replaces an existing retail unit and as such in traffic terms the net increase in traffic can be considered to be that which will be generated by the residential element of the scheme.

The retail element requires a theoretical maximum of 6 car spaces to CYC Annex E standards and the residential units 4 spaces. The submitted scheme indicates 4 car spaces are to be provided, however it is officer view that 5 spaces may be practically accommodated on the site frontage.

Experience of other sites around the city has demonstrated that in terms of demand for parking the retail and residential uses have differing peak periods. The demand for parking by residents will be at it's greatest during the evening and overnight, during which times the demand for parking from retail units will be very low, leading to an efficient sharing of the car parking facilities. The surrounding residential streets are unrestricted and are capable of accommodating any limited shortfall in parking.

Officers have considered pursuing the applicant for the cost of implementing a Traffic Regulation Order. However on balance officers do not consider that this approach would be appropriate due to the detrimental impact waiting restrictions could have on local residents and shops.

Covered and secure cycle parking has been indicated on the submitted plans and will be conditioned accordingly. The site is considered to be in a sustainable location and is well served by a number of frequent bus services, including Park and Ride.

Conditions: Hwy 18, Hwy19

3.3 LIFELONG LEARNING AND CULTURE: As there is no on site open space commuted sums should be paid to the Council for

- a) amenity open space - which would be used to improve a local site such as Rawcliffe Recreation Ground, Lake or Country Park
- b) play space - which would be used to improve a local site such as Rawcliffe Recreation Ground or Country Park

c) sports pitches - would be used to improve a facility within the North Zone of the Sport and Active Leisure Strategy.

The contribution to off site provision is to be based on "Harrogate" or latest York formula through a Section 106 Agreement.

EXTERNAL

3.4 RAWCLIFFE PARISH COUNCIL: Object for the following reasons;

- The proposed development will have a significant impact on the street scene.
- By its size, scale and massing the proposed development will not be subservient to the original property and the street scene.
- It is noted on the plans that 4 parking spaces are designated on the forecourt for the use of owner/residents. The proposal will prevent parking in front of the shop on the road way and cause problems for customers at all the shops on the parade and occupiers of adjoining residential properties on what is a narrow road.
- Guidance of police architectural liaison officer on crime and disorder issues sought.
- The third apartment will only have velux rooflights. Is there a loss of amenity for the potential occupier?
- A site visit is necessary
- There are objection from neighbours and another business
- If approved the following should be controlled: Hours of work, means of access, dilapidation survey and measures to prevent egress of mud and detritus onto the roadway.

3.5 PUBLICITY: The application has been advertised by neighbour letter and site notice, ten public responses were received raising the following matters:

- the proposals will result in additional on street parking
- higher and deeper than other buildings
- no need for more dwellings
- vehicles will have to cross pavement
- loss of on street parking
- no rear access
- height of building
- loss of privacy
- noise from future tenants
- loss of views
- risk of flooding

4.0 APPRAISAL

4.1 The application scheme has been revised since first submitted to reduce the height of the rear element and to divide the open space at the rear between the proposed residential and retail use.

4.2 The site is within an existing built up area on a transport corridor well served by public transport and the site currently accommodates a retail unit at the end of a short parade of shops. There is no objection in principle to the proposed uses, residential and retail, in this location in accordance with policies H4 and SP10 of the draft City of York Local Plan. The key issues are considered to be the impact on the amenity of adjoining occupiers, the highways impact and visual impact of the proposed development.

VISUAL IMPACT

4.3 The proposal are to replace an existing single storey building with a two storey building. The highway onto which the application site faces is developed along its north-eastern side and characterised by two storey buildings and the erection of a two storey building as proposed in this location would not be out of keeping with the street scene. The rear element has been reduced in height to make this subservient to the main range and reduce the bulk of the building. As such the proposals are considered to comply with the aims of policy GP1 of the draft City of York Local Plan.

IMPACT ON LIVING CONDITIONS AT NEIGHBOURING DWELLINGS.

4.4 The proposals have been amended to reduce the height of the rear element and remove living accommodation from that part of the roof space. As a consequence the sideways facing roof lights have been removed and the overlooking and overbearing impact on neighbouring properties on Shipton Road are considered to have been removed by this amendment. Windows in dwellings at the rear are separated by a distance of 27 metres and hence no material loss of privacy is considered to result. As such the proposals are considered to comply with the aims of policy GP1 of the draft City of York Local Plan.

HIGHWAYS IMPACT

4.5 The proposed site layout incorporates adequate off street parking for the proposed retail use and residential accommodation in accordance with City of York Council Parking Standards. It is understood from objections received that there is a pre-existing competing demand for on street parking from the residential and retail uses along this section of highway. This matter has been raised with, and is independent of this application, is being considered by the highways network management team regarding the need for on street parking controls. Whilst the concern is that the introduction of additional dwellings will exacerbate that pre-existing problem the proposals incorporate adequate parking provision for the development hereby proposed and hence there is no planning objection to this development on parking or highway safety grounds.

OTHER MATTERS

4.6 Due to the restricted size of the site provision of public open space on the site is inappropriate and in accordance with Local plan Policy L1 a financial contribution should be secured for the provision of amenity open space, children's play space

and adult recreation space in the vicinity of the site. The combined level of contribution being £1029.00 based on the Harrogate Formula of April 2006.

4.7 The proposals are to replace a shop unit with a larger retail unit with flats above. This is not considered to result in any increase in crime or disorder. The access alleyway at the side of the building should be gated to reduce opportunities for crime.

4.8 The site is in an area at risk of flooding and the applicant has assessed that risk and proposed measures to reduce the impact of flooding on the building.

5.0 CONCLUSION

5.1 For the reasons given above the Local Planning Authority considers that proposal, subject to the conditions listed below, would not cause undue harm to interests of acknowledged importance, with particular reference to the living conditions enjoyed by occupiers of adjoining dwellings, the character and appearance of the area and highway safety. As such the proposal is considered to comply with Policies GP1, H4, SP8, and S10 of the City of York Local Plan Deposit Draft and the aims of PPS1, PPG3, PPG4 and PPG13. The application is therefore recommended for approval.

6.0 RECOMMENDATION: Approve.

1 TIME2

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

Drawing Number M02/428/04 received 3 August 2006.
Drawing titled 'site plan' received 3 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.

3 VISQ8

4 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.

- 5 All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to 08:00 to 18:00 Monday to Fridays, 09:00 to 13:00 Saturdays and no works at all shall be carried out on Sundays and Bank Holidays.

Reason: To protect the amenity of local residents during the construction of the development.

- 6 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.

7 HWAY18

8 HWAY19

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 living conditions enjoyed by occupiers of adjoining dwellings, the character and appearance of the area or highway safety. As such the proposal complies with Policies GP1, H4, SP8, and S10 of the City of York Local Plan Deposit Draft and the aims of PPS1, PPG3, PPG4 and PPG13.

2. The alternative arrangements of the above open space contribution 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 £1029.00

3. The developer's attention should be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval:

- 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".

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6 There shall be no bonfires on the site.

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