

COMMITTEE REPORT

Date: 10 January 2013 **Ward:** Micklegate
Team: Major and Commercial Team **Parish:** Micklegate Planning Panel

Reference: 12/03132/FUL
Application at: Car Parking Area Holgate Road York
For: Erection of 3 storey block of 6 no. apartments
By: Experian Developments Ltd
Application Type: Full Application
Target Date: 3 December 2012
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

APPLICATION SITE

1.1 The application site is within the Central Historic Core Conservation Area, located between 15 Holgate Road - a 2-storey dwelling and Mount Court - a 2.5-storey residential development. The site backs onto 82-86 The Mount which are occupied as residential and offices.

1.2 The application site did accommodate buildings until the C20. The buildings were cleared in the mid C20 and the site has been used as a car park.

PROPOSALS

1.3 Planning permission is sought to infill the gap in the street scene with a building ranging from 2 to 3 storey, which will provide 6 x 1-bed flats at 1st and 2nd floor level. The ground floor would provide the access into the building, accommodate ancillary facilities and retain a vehicle access and car parking spaces.

1.4 The application has been called to committee by Councillor Gunnell - due to concerns over the scale of the proposed development and the impact on the amenity of surrounding occupants.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:
Areas of Archaeological Interest: City Centre Area
Conservation Area: Central Historic Core
York North West Boundary: York North West Boundary

2.2 Policies:

CYGP1	Design
CYHE2	Development in historic locations
CYHE3	Conservation Areas
CYHE10	Archaeology
CYH4A	Housing Windfalls
CYGP4B	Air Quality

3.0 CONSULTATIONS

Design, Conservation and Sustainable Development

3.1 The amendments to the north-east elevation address officers concerns regarding scale and massing in this view. Otherwise, the 'stepping' of the blocks to bridge the scale difference between the two storey house to one side and the large flatted development to the other is not recommended in current CABI design guidance. The front elevation, with the large void at the centre, remains uninspiring.

Archaeology

3.2 The site lies in an area rich in archaeological remains dating from the Romano-British period. On this site, the archaeological excavation would need to cover the entire footprint of the new building and extend down to the lowest formation level for the foundations for the new building. Officers request conditions to secure an archaeological excavation and an archaeological watching brief on this site.

Environmental Protection Unit

3.3 Officers advise the site is within an air quality management area. As such it is asked that the windows to habitable rooms, which face the road are sealed and have mechanical ventilation, drawing air from the rear of the block. The elevation facing the road should also be suitably insulated so traffic noise does not unduly affect future occupants.

Drainage Engineers

3.4 No objection, ask to agree the drainage details and that ground levels do not alter to the extent that surrounding properties suffer from increased surface water run-off

Highway Network Management

3.5 No car parking spaces are proposed for future occupants. A car free development in this location is acceptable. However this should be part of a package to promote sustainable travel.

Officers ask for contributions, that would provide first occupants of the development with a one year car club membership and either a bus pass, or the equivalent contribution towards cycle ownership. Officers have clarified that the site is not in a res-park zone. However the surrounding zones are fully subscribed and future occupants would not be able to obtain parking permits at this time.

3.6 The scheme has been amended, as requested by officers, to allow cars to enter and exit the site in a forward gear.

Holgate Planning Panel

3.7 No response.

Publicity

3.8 Objections were received from the occupants of 82 and 86 The Mount. Two further comments were also made. Comments made are as follows -

- Highways
 - There is no available space in the local res-park area. It is asked that future occupants should not be eligible for res-park permits.
 - There should be space for two cars to pass at the entrance, and room for cars to leave the site in a forward gear, in the interests of highway safety.
 - The access should not be moved closer to the bend, as this would reduce visibility.
 - 4 of the spaces on site area leased to 86 The Mount.
 - Underground drains run through the site and should not be compromised by the proposed development.
- Amenity
 - The development would be over-dominant; the house on the Mount would be overlooked.
 - Trees have already been cleared from the site, having a detrimental impact on the setting.
- Others
 - Concern that construction would cause disturbance to surrounding occupants.
 - Are the railings listed as they have a positive impact on the character of the area?

3.9 Any letters in response to the revised plans will be reported verbally.

4.0 APPRAISAL

4.1 Key Issues

- Principle of the proposed use
- Visual impact/character and appearance of the conservation area
- Amenity of future and surrounding occupants
- Highway Network Management
- Archaeology

PRINCIPLE OF THE PROPOSED USE

4.2 This is a brownfield site in an urban location, within walking distance of the city centre. As such residential development here would comply with the National Planning Policy Framework in that the site is appropriate for housing and the National Planning Policy Framework requires planning to 'boost significantly the supply of housing'.

4.3 The National Planning Policy Framework does require that housing is delivered in accordance with identified need. York's latest Strategic Housing Market Assessment informs that predominantly 2 and 3 bed sized houses are required in the city, although there is need for all types of housing. 1-bed flats are proposed in this scheme. The type of housing proposed is not objected to as there is a need to continue to provide car parking, which means that flats are the only form of housing that can be accommodated on site. Some 2-bed flats, rather than all 1-bed units had been sought by officers, but the applicant advised that these would make the scheme unviable. Whilst a mix of flat types would have been preferred, the lack of variation does not make the scheme unacceptable given the overall size of the development.

VISUAL IMPACT/CHARACTER AND APPEARANCE OF THE CONSERVATION AREA

4.4 The site is within the Central Historic Core Conservation Area. The National Planning Policy Framework advises that in determining applications account should be taken of the desirability of sustaining and enhancing the character and appearance of the conservation area. Policy HE2 of the Local Plan requires that within conservation areas development proposals respect adjacent buildings, open spaces, landmarks and settings and have regards to local scale, proportions, details and materials. Proposals will be required to maintain or enhance existing urban spaces, views, landmarks and other townscape elements, which contribute to the character or appearance of the area.

4.5 The proposed building would be of brick with a slate roof. Both the front building line and its height are stepped, to deal with the curve of the street and due to the variance in scale of the 2 and 3 storey buildings to each side. The roof form copies that of the recent block of apartments to the SW. To an extent the front boundary

wall and railings which run parallel with the street are retained (although the access has been widened to allow two vehicles to pass).

4.6 The development would in-fill a gap in the street. It would be of appropriate massing and materials. A condition is suggested to ensure that the windows are recessed in their reveals to provide some articulation, depth and interest to the facade. The vegetation on site was removed prior to the application being made. A condition is proposed to control the design of the soft landscaping proposed and at least one tree can be accommodated behind the proposed building.

4.7 It would have been preferable to have the building's main access facing the street and the covered passage to the car parking removed. However the proposed entrance location allows the wall and railings to be retained (to an extent) and it is a requirement that the car parking spaces, which serve other developments along The Mount, are retained on site. Overall the development would not detract from the character and appearance of the conservation area and the visual impact is deemed to be acceptable.

AMENITY OF SURROUNDING AND FUTURE OCCUPANTS

4.8 The National Planning Policy Framework asks that developments always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Local Plan policy GP1: Design requires that development proposals ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures.

Amenity of surrounding occupants

4.9 No.82/84 The Mount is a dwelling which backs onto the site. The proposed building would be around 8m from the rear boundary and 23m from the main rear elevation of 82/84. The ground levels vary between the sites, to the extent that where the building is proposed, the ground level is around 1.4m lower than ground levels at 82/84.

4.10 The development would introduce a degree of overlooking. However 21m is usually considered an acceptable separation between rear elevations. In this case, the distance of 23m between buildings is deemed to be acceptable. It is considered the overlooking that would result is not grounds to refuse the application.

4.11 Using the Building Research Establishments (BRE) guidelines the proposed building would not cause an undue loss of light.

4.12 Although the proposed development would be 3-storey, the ground levels at each site vary and the eaves level of the proposed building would be lower than

those at 82/84 The Mount. As such and considering the separation between buildings, the proposed development would not be over-dominant.

4.13 A construction management scheme is proposed as a condition.

Amenity of future occupants

4.14 The development would have covered and secure cycle storage in a convenient location. The flats are of a reasonable size and have adequate outlook. Conditions are proposed to deliver adequate noise levels within the building and alternative ventilation, the latter required due to pollution from road traffic. A contribution of £2,040 has been accepted by the applicants to contribute toward off site open space in the locality. The scheme would comply with the National Planning Policy Framework in terms of providing a reasonable level of amenity for future occupants.

HIGHWAY NETWORK MANAGEMENT

4.15 The revised scheme has car parking and manoeuvring space on site that complies with national standards and vehicles will be able to leave the site in a forward gear. The access point will be widened therefore allowing two cars to pass. The car parking will be used for offices on The Mount, not the proposed flats. There is no change in use of the car park, and whether the access point is safe/appropriate is not material to the proposed development.

4.16 It is proposed not to provide car parking for the flats. Highway Network Management confirm that future occupants would not be provided with res-park permits. The levels for car parking in the Local Plan are maximums. For 1-bed units the maximum is 1 car parking space. Given that 6 x 1-bed flats are proposed, the site is within walking distance of public transport and the city centre, and sustainable alternatives to private car use are proposed (the applicants have agreed to contribute to car club membership for future occupants and cycle parking is proposed) a car free development in this case is not objected to.

ARCHAEOLOGY

4.17 The National Planning Policy Framework advises that where development sites include or have the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

4.18 The site is within the City Centre area of archaeological importance. Local Plan policy HE10 requires an evaluation of sites within the area, to assess the importance of remains on site, and for developments to preserve at least 95% of archaeological deposits. Conditions are proposed which require an archaeological

investigation and publication of the works, in order for the scheme to comply with the Local Plan policies.

LAND CONTAMINATION

4.19 The National Planning Policy Framework advises that planning decisions should also ensure that the site is suitable for its new use taking account of ground conditions, including former activities and any proposals for mitigation including land remediation.

4.20 The desk based assessment undertaken to date advises of the need for further ground investigation to ensure any remediation is suitable. This can be secured through a standard condition.

5.0 CONCLUSION

5.1 The proposed development will not harm the character and appearance of the conservation area, and there will be no undue impact on surrounding occupants. The development will contribute towards housing supply in the city and does not unduly conflict with policies in the NPPF of the Local Plan. Approval is recommended.

5.2 There is an associated unilateral undertaking to secure a contribution towards open space of £2,040 and a car club contribution of £160 per unit, which will give first occupants 1-year membership to the scheme.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve subject to Section 106 Agreement

1 TIME2 Development start within three years -

2 The development hereby permitted shall be carried out in accordance with the following plans:- SC 151 02D and 03C

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

3 Materials

The materials used on the building shall be as shown on the approved drawings and on the application form (slate roof tiles, lead clad dormers and timber doors/window frames). Unless otherwise agreed rainwater pipes on the front elevation shall be in black painted aluminium. The boundary wall and railings shall use reclaimed

materials where possible.

A sample panel of the brickwork to be used shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. The panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of the development in view of the conservation area location.

4 Large scale details of the windows and their reveals (to include a section detail showing window frames and cills set well within the reveal) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

Reason: To ensure the building is of acceptable design quality given the conservation area location.

5 The area shown as cycle and bin storage on drawing 02D shall be retained for such use at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure adequate space for such storage, and to promote recycling and sustainable modes of transport in accordance with policies GP4a and T4 of the City of York Draft Local Plan and the National Planning Policy Framework.

6 The development shall not be occupied 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 planted (including at least 1 tree) and the surface material for the paved amenity area.

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: In the interests of visual amenity.

7 Drainage

Application Reference Number: 12/03132/FUL

Item No: 5b

Page 8 of 11

Development shall not begin until details of foul and surface water drainage works have been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details. Details to include:

- a) Calculations and invert levels to ordnance datum of the existing and proposed surface water systems. (This will enable the impact of the proposals on the downstream watercourse to be assessed).
- b) Topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

Reason: To avoid increased flood risk.

8 ARCH1 Archaeological programme required -

9 ARCH2 Watching brief required -

10 Amenity

All windows to habitable rooms (bedrooms and living areas) facing Holgate Road shall be provided with continuous mechanical ventilation (supply and extract with heat recovery) away from the roadside. The system shall be maintained in accordance with the manufacturer's specification at all times.

Reason: To protect the health of future occupants.

11 Amenity

The building envelope with a facade onto Holgate Road shall be constructed so as to provide sound attenuation against external noise of not less than 40dB(A), with windows shut.

Reason: To protect the amenity of future occupants.

12 Land contamination

Unless agreed otherwise by the local planning authority development shall only commence in accordance with the following details -

- a) A site investigation shall be undertaken based upon the findings of the Lithos desk study dated October 2012. The investigation shall be carried out in accordance with BS10175: Investigation of potentially contaminated land: code of practice. The results of the investigation shall be submitted to and approved by the local planning authority in writing prior to any development commencing on the site.
- b) A risk-based remedial strategy shall be developed based on the findings of the

site investigation. The remedial strategy shall be submitted to and approved by the local planning authority in writing. The approved strategy shall be fully implemented prior to any development commencing at the site.

Informative: The remedial strategy shall have due regard for UK adopted policy on risk assessment and shall be developed in full consultation with the appropriate regulator(s).

c) A validation report shall be submitted to and approved by the local planning authority, detailing sample locations and contaminant concentrations prior to any development commencing at the site.

d) Any contamination detected during site works that has not been considered within the remedial strategy 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 at the site.

e) A timetable of proposed remedial works shall be submitted to the local planning authority prior to any works being undertaken on the site.

Reason: For the protection of human health and the wider environment.

13 Construction Management

Prior to commencement of the development, a Construction Management Plan for minimising the creation of noise, vibration, dust and lighting during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority. In addition the following shall be adhered to during construction:

a) Any piling operations shall be carried out using the method likely to produce the least vibration and disturbance. Full details of the dates, times and duration of operations shall be submitted to and approved in writing by the Local Planning Authority before any piling operations are begun and piling operations shall take place in accordance with the approved details.

b) All loaded lorries leaving the site shall be securely and effectively sheeted where appropriate.

c) At all times during the carrying out of operations authorised or required under this permission, best practicable means shall be employed to minimise dust. Such measures may include water bowsers, sprayers whether mobile or fixed, or similar equipment.

At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Local Planning Authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption.

d) Construction work and associated site operations, that would be audible at the site boundary, shall only take place on site between the hours of 07:30-18:00 Monday to Friday and between 08:00-13:00 on Saturdays (excluding Public Holidays).

At times when construction operations are not permitted work shall be limited to emergency works and works which are inaudible at the site boundary. The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency work, and a schedule of essential work shall be provided. Any other works not covered by this condition associated with construction would need to be agreed in writing in advance with the Local Planning Authority.

Reason. To protect the amenity of local residents and businesses.

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 impact on heritage assets, residential amenity and highway safety. As such the proposal complies with Policies HE2, HE3, HE10, GP1 and H4a of the City of York Development Control Local Plan.

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve an acceptable outcome:

Sought amendments to the scheme to address its visual impact and use of conditions and a unilateral undertaking to encourage sustainable modes of transport.

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