

COMMITTEE REPORT

Date: 3 July 2014 **Ward:** Holgate
Team: Major and **Parish:** Holgate Planning Panel
 Commercial Team

Reference: 14/00763/FULM
Application at: Pack of Cards 164 Lindsey Avenue York YO26 4RL
For: Erection of 14no. flats with associated parking following
 demolition of public house
By: Mr Peter Atkinson
Application Type: Major Full Application (13 weeks)
Target Date: 2 July 2014
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 The application site is on the corner of Lindsey Avenue and Sowerby Road. It comprises a part two storey, part single storey public house which is set back behind car parking. The public house is now closed and has been sold. There is a 3-storey building to the east, which accommodates shops at ground floor and two levels of residential above. The building is set back around 7m from the road, behind a forecourt. There are two-storey houses in other directions.

1.2 The proposals are for housing on the site; 14 flats within an L-shaped building which would be 3-storey, stepping down to 2-storey at each end. Car parking (11 spaces) would be accommodated behind the building.

1.3 There have been amendments to the scheme since the original submission. The changes being that the building has been reduced in volume at each end and the black bricks are no longer proposed.

1.4 The application is reported to Sub-Committee because it is a 'Major Application'.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:
Air safeguarding GMS Constraints: Air Field safeguarding 0175
DC Area Teams GMS Constraints: West Area 0004

2.2 Policies:

CYGP1 Design
CYGP4A Sustainability

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CYT4	Cycle parking standards
CYL1B	Loss of local leisure facilities
CYH4A	Housing Windfalls
CYL1C	Provision of New Open Space in Development
CYED4	Developer contributions towards Educational facilities

3.0 CONSULTATIONS

Communities, Culture and the Public Realm

3.1 As there is no on-site open space commuted sums should be paid to the Council for

- amenity open space - to improve a local site such as West Bank Park or Howe Hill allotments
- play space - to improve a local site such as Sidings Gardens or West Bank Park
- sports pitches - to improve a facility within the West Zone of the Sport and Active Leisure Strategy.

Education

3.2 Advise no contribution towards education would be required.

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3.3 No objections

Publicity and Neighbour Notification

3.4 In response to the initial consultation, objections were received from neighbours on Lindsey Avenue (2x group objections), 58 Manor Drive North and 9 Sowerby Road. There was one letter in support of the scheme. There was re-consultation because revised plans were received. No further comments were made.

Comments are summarised as follows-

- Comment in favour of the design of the proposed houses.
- Loss of sunlight and outlook from surrounding houses.
- Overlooking/loss of privacy to flats on opposite side of Lindsay Avenue
- Overlooking and over-dominant over houses on Manor Drive North
- Noise from future occupants.
- Increased demand for on-street parking.
- Residents have queried the ground conditions, and whether extra structures can safely be accommodated. It has been noted that recently there has been damage to the pavements and external walls at 171-177 Lindsay Avenue.

4.0 APPRAISAL

4.1 Key Issues

- Principle of the proposed use

- Design
- Residential Amenity
- Highway management
- Sustainable design and construction
- Open space and education contributions
- Other matters

Principle of the proposed use

4.2 Local Plan policy L1b advises that permission will only be granted for the change of use/loss of leisure facilities (including pubs) where it can be demonstrated that the facility is no longer needed or there are alternative sites in the catchment area.

4.3 There are alternative facilities (drinking establishments) along Acomb Road and in the local centre less than 500m away and as such there is no conflict with L1b.

4.4 The thrust of the NPPF is to significantly boost housing supply, and this includes making use of previously developed and underused sites, in particular in sustainable locations. These requirements are also outlined in Local Plan policy H4a which relates to windfall sites for housing.

4.5 The application site is previously developed; the public house has closed. The site is within a residential area, within walking distance of a local centre (Acomb) as identified in the Local Plan. Residential development of the site is compliant with planning policy in this respect.

4.6 The NPPF has a presumption in favour of housing development when it is deemed to be sustainable. It asks that LPA's identify housing need, considering size and type and deliver adequate housing to meet demand.

4.7 The development would have 7x 2-bed flats and 7 x 1-bed flats. 2-bed dwellings are identified as being in high demand in the city and there is no objection to housing mix proposed.

Design

4.8 According to the National Planning Policy Framework, a core planning principle is to always seek to secure high quality design. Local Plan policies GP1: Design and H4a: Housing Windfalls advise on design. They require proposals respect or enhance the local environment, considering density, layout, scale, and mass that is compatible with neighbouring buildings, spaces and the character of the area; use of appropriate materials; avoid the loss of, or create townscape features, which contribute to the quality of the local environment.

4.9 The site is at the edge of a mid C20 development of housing ranging in scale from single to three storey, all of buff brick and set back from the road. There are earlier C20 semi-detached red brick houses to the west and three gardens back onto the application site. There is a 3-storey block of flats to the immediate east, two storey houses to the north and south face the application site.

4.10 The houses would be set back around 3-5 m from the street, behind gardens, and would respect local building lines and urban grain. The introduction of landscaping would improve the setting. The car parking and bin store areas would be screened from public views by the building and landscaping, which is a positive aspect of the scheme. The angled edges to the building give a contemporary feel to the designs and add interest and value.

4.11 In part the proposed building is 3-storey, as is the block to the east. The building steps down to 2-storey at the northern and eastern edges to respect the 2-storey houses. The ends have also been redesigned, the building line has been cut back, to further reduce massing in these areas. In relation to the original scheme, the change makes the proposed building less dominant and improves outlook.

4.12 The flat roof proposed would keep the development at a low height and allows the varied building line. It fits with the overall contemporary design approach and a parapet detail would conceal the roof construction from views. The neighbouring houses that the development would be seen alongside have low pitched roofs with concrete tiles. The contemporary approach works well in its own right and would compliment the setting, the quality of the scheme would diminish if a similar roof form were added. A buff brick is proposed for the dwellings, which would be in-keeping with the setting.

4.13 The development would respect the area, considering layout, scale, design and materials and is deemed to be acceptable in this respect.

Residential Amenity

4.14 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 proposals have no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures.

Overlooking

4.15 The scheme has been amended since the initial submission. On the 'rear' elevation, which looks towards the rear gardens of 56 and 58 Manor Park Drive, there would only be one narrow bedroom window and a corner window to the living space at first floor level. The upper floor level would be recessed and only have a corner window.

The windows would be over 4.5m from the side boundary and over 30m from the rear of the houses. Given the limited number of windows, their size and the separation, there would not be undue overlooking. At the front the houses would be 19/20m from the flats above the shops on the opposite side of Lindsey Avenue. This is 1 or 2 m shorter than typical in the area and would be reasonable. There would be no windows on the northern facing elevation.

Over bearing/Over dominance

4.16 The scheme has been revised since the original submission and it would not appear over-bearing or over-dominant. The building would step down to 2-storey at each end and the building line cuts back, reducing the massing of the building. The building has also been moved a metre further from the gardens to the west. Because of the location of the windows on the houses to the north, their outlook would be beyond, not directly at, the proposed end elevation. There would not be an undue loss of light or outlook suffered by neighbours, due to the scale of the building and separation distances.

Noise

4.17 A residential use does not raise any amenity concerns regarding noise. If future occupants were to cause undue noise, this would be an issue for the Noise Patrol Team.

Highway management

4.18 The NPPF seeks to promote sustainable modes of transportation. Local Plan policy T4 seeks to promote cycling and states that all new development should provide storage for cycles at a rate of at least one space per dwelling. Car parking standards are set out in the Local Plan appendices at a maximum of 1 space per 1 or 2 bed dwelling.

4.19 The 2-bed units each have an internal bike storage area, which we have been advised are BREEAM compliant. The 7 x 1-bed flats have a space identified in the communal areas. It is not clear how these spaces will fit or be designed and this will need to be agreed through a planning condition.

4.20 There are 11 on site car parking spaces. This is adequate, it fits with Council standards, and there are alternatives to private car travel as the site is within walking distance of public transport and a local centre.

Sustainable design and construction

4.21 When 10+ dwellings are proposed local policy requirements are that schemes achieve at least a BREEAM Code for Sustainable Homes rating of 3 stars. This can be secured through a planning condition.

Open space and education contributions

4.22 Policy L1c states developments for all housing sites will be required to make provision for the open space needs of future occupiers, based upon the latest planning guidance note(s) on open space.

4.23 Policy ED4 advises that in considering proposals for residential development any consequences for existing schools will be assessed. When additional provision is required as a result of the proposals, developers will be required to make appropriate financial contributions.

4.24 The open space contribution is calculated as £10,584. This can be secured through a unilateral undertaking supplied by the applicants. There is currently capacity in nearby schools and therefore a contribution is not required in this respect.

Other matters

4.25 Neighbours have made comment as to whether the ground conditions are suitable to accommodate further development. This is not material to the planning decision in this case; it would be the responsibility of the developer to ensure the new development would be safe. This would also be covered by the Building Regulations.

5.0 CONCLUSION

5.1 There would not be an undue loss of public facilities, as required by local planning policy and paragraph 70 of the NPPF and the site is suitable for housing, which national policy seeks to promote. As such proposals in principle are policy compliant. There would be no undue impact, as required by Local Plan policy GP1; the design is suitable for the locality and there would be no undue effect on residential amenity and highway safety.

5.2 Approval is recommended subject to receipt of an acceptable unilateral undertaking to provide the open space contribution of £10,584.

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:-

Drawings 441/03 (02) 003B, 004C, 006C, 020B, 021B, 030B

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

3 Details

Large scale details of the items listed below 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.

- Windows and their surrounds, including recessed brickwork detail (to show windows recessed, set in the reveals)
- Parapet
- Balconies and boundary railings (to confirm colour finish)
- Access gates to courtyard and access to bin store

Reason: In the interests of visual amenity.

4 Materials

A sample panel of the brickwork to be used on this building 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. This 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 these details prior to the commencement of building works in view of their sensitive location.

5 Landscaping

Prior to occupation of the development hereby approved a detailed soft landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs to be planted shall be submitted to 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.

The hard-landscaping, as shown on the approved site plan, shall be implemented prior to occupation of the dwellings hereby approved.

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

6 Code for Sustainable Homes

The development shall be constructed to at least Level 3 of the BRE Code for Sustainable Homes (CSH). A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority prior to occupation of the building. Should the development fail to achieve level 3 of the Code a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures should be undertaken to achieve level 3 of the code. The approved remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and Paragraphs 4.1 to 4.6 of the Interim Planning Statement 'Sustainable Design and Construction'.

7 Drainage

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

Reason: To reduce flood risk, in accordance with Local Plan Policy GP15: Development and Flood Risk and paragraph 103 of the National Planning Policy Framework.

INFORMATIVE:

The submitted details shall incorporate the following:

- Existing and proposed ground levels and drainage routes. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.
- Calculations and invert levels to ordnance datum of the existing and proposed surface water system.

- Peak surface water run-off from the development shall be attenuated to 70% of the existing rate, in accordance with a scheme to reduce run-off to be submitted to and agreed in writing by the Local Planning Authority (based on 140 l/s/ha of connected impermeable areas). The scheme submitted shall include storage volume calculations, using computer modelling, allowing for a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model shall also include an additional 20% allowance for climate change. The modelling shall use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. Details of run-off rates including calculations of both the existing and proposed rates shall also be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above.

- Additional surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

Note that consent will also be required from Yorkshire Water.

8 Cycle parking

Details of the communal cycle parking 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. The details shall show the spaces are covered and secure and workable (can include manufacturers details)

The cycle storage for the 2-bed houses shall be provided prior to occupation of the dwellings and retained for such use for the lifetime of the development.

Reason: To ensure adequate space for such storage, and to promote 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.

9 Land contamination

Site Investigation

Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) shall be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons. A written report of the findings shall be produced, submitted to and approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Submission of Remediation Scheme

Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) shall be submitted to and approved in writing of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Verification of Remedial Works

Prior to first occupation or use, the approved remediation scheme shall be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of 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, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10 Construction Environmental Management Plan

Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration, dust and lighting during the 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.

Reason: To protect the amenity of local residents from noise dust and vibration

The CEMP shall consider -

Noise and vibration:

Types of machinery to be used

Selection of machinery justify why quieter machinery not used

Use of acoustic barriers

Prefabrication off site etc

Measures to minimise impact e.g. limiting duration of noisy activities

Recorded monitoring (including location, results and mitigation measures needed)

Details of standards used for determining the acceptability

Dust prevention:

Use of wheel washes

Use of road sweepers

Storage and location of materials and stock piles

Use of barriers

Use of water bowsers and spraying

Recording of monitoring (including location, weather conditions, results and mitigation measures needed)

Lighting:

Whether over night work is proposed

Whether security lighting will be installed

The expected lux levels generated at the boundary by any lighting

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Light mitigation measures needed to address lux levels

Complaints

How the public can contact the site

Who is the point of contact for complaints?

How complaints will be recorded

Procedures for dealing with complaints

Procedures for updating the complainant, what will happen in the event that the complaint is not resolved.

11 Bin storage

The area shown as bin storage and its enclosure as shown on the approved drawings shall be provided prior to occupation of the approved dwellings.

Reason: To ensure adequate space for such storage, and to promote recycling in accordance with policies GP1 and GP4a of the City of York Draft Local Plan and the National Planning Policy Framework.

12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no door, window or other opening additional to those shown on the approved plans shall at any time be inserted in the north side elevation of the property (which faces 160 and 162 Lindsay Avenue) and the east end elevation.

Reason: In the interests of the amenities of occupants of adjacent residential properties.

13 NOISE7 – Restricted hours of construction

7.0 INFORMATIVES:

Notes to Applicant

1. 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 (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 a positive outcome: pre-application advice, secured amendments to the scheme, to make it acceptable in planning terms, and through the use of planning conditions/securing of unilateral undertaking.

2. LEGAL AGREEMENT

Your attention is drawn to the existence of a legal obligation under Section 106 of the Town and Country Planning Act 1990 relating to this development

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