

COMMITTEE REPORT

Committee: West/Centre Area
Date: 22 May 2007

Ward: Micklegate
Parish: Micklegate Planning Panel

Reference: 07/00351/FUL
Application at: Builders Yard Rear Of 2 To 24 Trafalgar Street York
For: Erection of 4no. 1 bedroomed flats and 1no. detached dwelling after demolition of workshop
By: G H Developments
Application Type: Full Application
Target Date: 11 April 2007

1.0 PROPOSAL

1.1 The application is for planning permission to erect two buildings (two storey), to create one 1 bed dwelling and four 1 bed flats. The buildings would be predominantly of timber elevations and the roofs would be slate.

1.2 The site presently accommodates two vacant single storey workshop buildings. The land is unkempt and enclosed by a brick wall to the west, it tapers off to the south, there are the rear gardens of surrounding dwellings to the east and the north.

1.3 The site has previously been used as a builder's yard and for the storage of materials. Planning applications for the erection of a new workshop and for an extension to the existing workshop were both refused in 1990 and 1995 respectively. Reference numbers 7/014/00226/B/FUL and 7/14/226A/PA.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

2.2 Policies:

CYGP1
Design

CYH4
Housing devp in existing settlements

CYH3C
Mix of Dwellings on Housing Site

CYH5A

Residential Density

CYE3

Retention of existing employment sites

CYL1C

Provision of New Open Space in Development

3.0 CONSULTATIONS

INTERNAL

3.1 Highway Network Management

No objection to the application, but recommend a number of conditions which should be adhered to prior to occupation of the proposed dwellings. The following observations have been made,

- The 3.2m wide access road is considered to be acceptable, although it is the minimum.
- The access is surfaced with slag paving which was laid around 1900. The foundations and drainage of the surfacing were not designed to withstand current traffic conditions. It is therefore recommended that as the paving is likely to deteriorate further as a direct result of the development, the alley should be re-constructed to an appropriate standard.
- It will be essential to improve visibility and access at the site entrance. A system of no parking or waiting (by introducing double yellow lines) would be necessary.
- There are at least three garages which are accessed from the proposed access road. These should not be unduly inconvenienced during building works or as a consequence of the development.
- The car parking arrangement has been revised in accordance with comments made by Highway Network Management. There are now two groups of parking spaces with adequate space for turning / manoeuvring.

3.2 Drainage

No objection. Advise that as the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment. This would need to prove that the ground has sufficient capacity to except surface water discharge, and to prevent flooding of the site and surrounding land. Drainage advise that these tests would be carried out as part of the building regulations process and therefore the applicant shall be advised of this requirement through an informative.

3.3 City Development

Advise that it should be satisfied that the proposal would not create a loss of employment. Also that design and conservation (UDC), and Highway Network Management officers are satisfied with the proposal. UDC have not been consulted as the application is not within a conservation area.

3.4 Environmental Protection Unit

No response to date.

3.5 Safer York Partnership (Police Architectural liaison Officer, ALO)

No response.

EXTERNAL

3.6 Planning Panel

No objection.

3.7 Publicity, application publicised by neighbour notification, expiry for comment was 8.3.07. 11 representations have been made. They make the following points,

- Problems with access (including emergency services) due to the narrowness of the road, visibility at the junction and the existing garages in the alleyway.
- The surface (slag paving) does not have a solid foundation to accommodate vehicles; this could damage the surface and also harm the drainage system.
- Problems during construction - noise and access.
- Parking is already tight on Trafalgar Street and the loss of spaces to create sight lines from the proposed access would be objected to.
- The lane to the rear of Balmoral Terrace is private (un-adopted) and therefore should this be used for access by future occupants? - it is only proposed to use the Trafalgar Street access.
- Location of individual parking space is this within the site and would it impede the rear access of 25 Rectory Gardens - this space has been omitted in the revised plans.

- Lack of lighting in the access road could create opportunities for crime (another representation suggests the development should improve security)

- Loss of privacy from overlooking / overshadowing / overdominance due to proximity of proposed dwellings to those existing.
- Planting of trees could also add to overshadowing.
- Overdevelopment of the site (amount of dwellings).
- Noise from future occupants may harm the amenity of existing residents.
- Lack of provision for disabled access.
- Details of boundary treatment requested.
- The occupants of 48 South Bank Avenue support the application as they consider it would enhance the appearance of the presently unkempt area.

4.0 APPRAISAL

4.1 Key issues

Principle of development
Design / Amenity

Highways
Other matters

RELEVANT NATIONAL POLICY

4.2 PPG3 / PPS3: Housing

DRAFT LOCAL PLAN POLICIES

4.3 Policy E3b states that the standard employment sites identified in schedule 2, and any other sites or premises either currently or previously in employment use, will be retained within their current use class. Planning permission for other uses will only be given where a) there is a sufficient supply of employment land to meet both immediate and longer term requirements over the plan period in both quantitative and qualitative terms, and b) unacceptable environmental problems exist, or c) the development of the site for other appropriate uses will lead to significant benefits to the local economy, or d) the use is ancillary to an employment use.

4.4 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 over dominance.

4.5 H3c states that a mix of new house types, sizes and tenures will be required on all new residential development.

4.6 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.

4.7 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, 40 dwellings per hectare is recommended in urban areas.

4.8 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.

PRINCIPLE OF DEVELOPMENT

4.9 The application site is brownfield land in a built up residential area, and within a reasonable distance of amenities and transport links. It is therefore an acceptable location to build housing (In accordance with national guidance in PPG/S3 and Local

Plan policy H4a). However, the application site was previously in an employment use and therefore the loss of employment land must be justified in accordance with policy E3 of the Draft Local Plan.

4.10 The proposed use is preferable on the site as it would be more compatible with its residential surrounds. The site is adjacent housing and there would be the potential that an employment or industrial use would be detrimental to the amenity of the residents nearby. This is exemplified by the two previous planning applications at the site which sought to extend the workshop premises, and intensify use of the site. These were refused on the grounds of residential amenity. Sometime between those applications (most recent being 1995) and the present, the use of the site ceased. Since then the site has not been occupied and has acquired an unkempt appearance. An employment use could potentially be accommodated at the site, without harm, however the site suffers from poor access also. The means of access into the site from Trafalgar Street is narrow and can only just accommodate private vehicles; anything larger would not be able to access the site. Furthermore, inclusive access would also be troublesome to achieve.

4.11 Overall it is considered that there are other available sites that lend themselves to employment use far better than the application site. Also the proposed use would be less likely to harm the amenity of surrounding residents. As such the use of the site for housing is considered to be acceptable in principle.

DESIGN / AMENITY

4.12 With regards to the design and density of the development, 5 units in total are proposed on a site 0.03 hectares in size, this exceeds the recommended minimum density required in policy H5a of the Local Plan. The scale and design of the proposal is considered to be compatible with the character of the surrounding area.

4.13 Overlooking would only occur on the north elevation of unit A that would face the rear elevation of houses on South Bank Avenue. There would be a 7m separation distance to the boundary and further to rear windows (around 14m to rear 2 storey outshots, 20m to main rear building line). This is comparable with the common separation between the front elevations of terraced dwellings (9-10m) in the locality and is considered to be acceptable. The revised plans introduce a first floor window on the east elevation of unit A, which faces the rear gardens of 24 and 26 Rectory Gardens. The window serves a w/c and is narrow. It is considered that provided the glazing is obscure, the privacy of both parties would be protected. This can be conditioned, along with the prevention of other openings being added to the east elevation (would apply to unit B also).

4.14 The dwellings would be some 4.8m to their eaves level, 6.4m to ridge. Because of this, their proposed siting and the orientation of the sun, the rear gardens of 25 and 26 Rectory Gardens may suffer some loss of light / overshadowing. This would occur in the evening only and would affect a small proportion of the gardens. The dwellings to the north may also suffer from some loss of light when the sun was low. Overall the loss of light that may be suffered by nearby properties would not be significant.

4.15 Because of the location of the proposed dwellings, their roof shape and orientation of surrounding dwellings, only outlook from the rear of 26 Rectory Gardens would be materially affected by the proposed development. It is considered that a separation distance of 10m to the blank side elevation is generally acceptable; furthermore the timber finish of the proposed dwelling would soften the appearance of the dwelling. It is considered that the proposed buildings would not be unduly dominant.

BOUNDARY TREATMENT / LANDSCAPING

4.16 The east side of the site is, at present marked by a row of low vegetation at the rear of 26 Rectory Gardens and a 2m or so high timber fence at 25. There is no need for the developer to alter this arrangement, or that at the north boundary. The use of soft planting to enhance the boundary treatment and generally improve the appearance of the site is welcomed. Details of the type of soft planting proposed will be required by condition, to ensure a reasonable mix and height of vegetation. Details of any future proposed fencing / walls will also be controlled by condition to ensure an acceptable overall appearance.

STORAGE SPACE

4.17 The provision of cycle and bin storage is identified on the proposed plans and the external appearance / mean of enclosure of such shall be controlled by condition.

CONTRIBUTION TOWARD OPEN SPACE

4.18 In accordance with policy L1c a contribution toward open space is required before the development could be occupied. The developer has agreed to pay a contribution of £640.

LIGHTING

4.19 The access road at present is unlit. In the interests of security and safety, the design and amount of street lighting shall be required as part of the works to bring the access road up to standard (as requested by Highway Network Management). The developer shall also be advised of secure by design which would include recommendations of how to provide lighting around the houses, such as near entrances, in the interests of the security of future residents.

HIGHWAYS

4.20 Vehicles movements to and from Trafalgar Street would need to do so with caution, with specific regard to the garage to the south of 48 South Bank Avenue. It would be preferable that no doors opened out onto the highway, however Highway Network Management are satisfied that the width of the highway is adequate and there are no undue safety concerns.

4.21 Subject to the conditions recommended by Highway Network Management it is considered that there would be adequate parking, cycle storage and access to the

site. The improvements to the access would also enhance highway safety for local residents who presently use their garages which are accessed from Trafalgar Street. The site would only be accessed from Trafalgar Street and the re-surfacing works would only relate to the area of adopted highway, which does not include the lane behind Balmoral Terrace.

4.22 It is possible that access to the rear alleyway may be impeded during building works and when the alley is re-surfed. The planning permission relates to the 'end product' and thus this is not reason to refuse the application. It shall be recommended that the developer informs residents affected of proposed times of works so they may plan accordingly. Furthermore works to the highway would be covered under separate legislation.

5.0 CONCLUSION

5.1 The proposed development is considered to be acceptable in principle and of acceptable design; there would be no undue adverse affect on highway safety or amenity. Approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 PLANS2

2 TIME2

3 VISQ8

4 LAND1

- 5 Details of any boundary treatment (such as walls and fences) shall be submitted to and approved in writing by the Local Planning Authority prior to their installation and the works shall be carried out in accordance with the approved details.

Reason: So that the Local Planning Authority may be satisfied with these details.

- 6 The areas shown as cycle and bin storage on the approved drawing shall be retained for such use at all times, unless otherwise agreed in writing by the Local Planning Authority.

The storage enclosures shall be built in accordance with details, including materials (preferred to match the approved dwellings), height and means of enclosure (for cycle stores) that shall be submitted to and agreed by the Local Planning Authority prior to occupation of the dwellings.

Reason: To ensure an acceptable design in accordance with policy GP1 of the City of York Draft Local Plan.

- 7 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Development Order 1995), (or any Order revoking or re-enacting that Order), development of the type described in Part 1 of Schedule 2 of that Order shall not be carried out at unit B without the prior written permission of the Local Planning Authority following receipt of a planning application in that respect.

Reason: In the interests of visual amenity on this site which is sensitive because of its restricted size.

- 8 At first floor level on the east elevation of the buildings hereby approved there shall be no new openings installed and the proposed first floor window on the east elevation of unit A shall be obscurely glazed.

Reason: To prevent overlooking into the properties on Rectory Gardens.

- 9 HT17 metres...

- 10 HWAY7

- 11 HWAY27

- 12 HWAY10

- 13 HWAY19

- 14 HWAY31

- 15 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

Extent of no waiting restrictions agreed and implemented within Trafalgar Street at the junction of the alley leading to the site with Trafalgar Street, agreed prior to the commencement of the development.

Reason: In the interests of the safe and free passage of highway users.

- 16 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 £640.

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.

**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 design, amenity 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, H3, H4, H5, E3 and L1 of the City of York Local Plan Deposit Draft.

2. INFORMATIVE:

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. The applicants 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

4. Your attention is drawn to the needs of nearby residents who have garages which are accessed from the rear alley behind Trafalgar Street. They should be advised accordingly of any works which may impede their ability to use the access.

5. You are advised that the proposed method of surface water disposal will be subject to assessment under Building Regulations.

Contact details:

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