

COMMITTEE REPORT

Committee: East Area
Date: 7 February 2008
Ward: Heworth Without
Parish: Heworth Without Parish Council

Reference: 07/02504/FUL
Application at: Stray Garth Community Home 7 - 9 Stray Garth York YO31 1EL
For: Erection of 4no. detached dwellings
By: Lovel Cooper (South Yorkshire) Ltd
Application Type: Full Application
Target Date: 17 December 2007

1.0 PROPOSAL

1.1 The application site is a former care home at the end of Stray Garth. Stray Garth is located at a right angle to Elmfield Terrace and is effectively at the end of what is for motor vehicles a 300m cul-de-sac. The application site is within a generally residential area with a large pond located immediately to the north.

1.2 It is proposed to demolish the two-storey care home which contained 15 bedrooms and erect in its place four dwellings linked by single garages. The dwellings each contain 4 bedrooms and are proposed to be 3 storey with the top floor contained partly within the roofspace. The homes are orientated with the gable to the front and rear.

1.3 Amendments have been made to the scheme since it was originally submitted. These include moving the footprint of development to the west, reducing slightly the height of the dwellings located on either end of the development and introducing obscure glazing to the windows in the top floor of the front elevation of three of the dwellings.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYGP1
Design

CYH4A
Housing Windfalls

CYC1
Criteria for community facilities

CYGP7
Open Space

CYNE1
Trees, woodlands, hedgerows

CYNE6
Species protected by law

CYED4
Developer contributions towards Educational facilities

CYT4
Cycle parking standards

3.0 CONSULTATIONS

3.1 Internal

Highway Network Management - the vehicle access to plot 4 would necessitate multi-shunting, however, this would have little or no impact on the public highway - no objections subject to conditions.

Countryside Officer - Evidence of bats has been found. It is not considered that this should stop re-development, however, conditions will be required relating to demolition and the provision for bats in the new development.

York Consultancy - The site is in a low flood risk area and should not suffer river flooding. No objections subject to conditions relating to drainage and the raising of levels.

Environmental Protection - No objections

3.2 External

Planning Panel - No comments received.

Neighbours

Letters of objection have been received from the occupiers of 8 residential properties. These included properties in Stray Garth, Meadow Way and Elmfield Terrace. The following issues have been raised:

- the density is too high and the development too tall relative to surrounding two-storey houses.
- the development is forward of the building line.
- loss of light to surrounding homes and gardens.
- overlooking from the balconies and noise will travel across the pond.
- loss of trees unacceptable
- the windows are too large
- inadequate car parking for visitors.

- increased traffic noise and damage to walls through vehicles turning.
- poor vehicle access.
- the site should incorporate a turning area.
- inconvenience during construction.
- drainage has not been addressed.

4.0 APPRAISAL

Application Number: 07/02504/FUL

Officer Report:

4.1 The principle of the proposal to re-develop this urban brownfield site for housing is in line with the general thrust of local and national planning policies. However, in assessing the acceptability of the proposal in detail it is important that the development does not conflict with issues of planning importance.

4.2 The key issues in assessing the proposal are considered to be:

The impact on the streetscene
 The impact on neighbours' living conditions
 Parking and access
 Amenity of proposed dwellings
 Tree issues and wildlife
 Loss of community facility

Impact on streetscene

4.3 Policy H4a of the Draft Local Plan requires development to be of an appropriate scale and density to surrounding development. Although the front elevation of the most westerly house will be located around 2 metres forward of the adjoining property on Stray Garth and the ridge would be around 1.4m higher it is not considered that the development would appear incongruous. This is because the street does not have a tightly defined building line and the development site appears slightly separate to the street due to the turning head of the cul-de-sac being outside the site and there being no houses facing the development site. There is a mix of roof heights and styles on Stray Garth.

4.4 The proposed properties can also be viewed from Meadow Way to the south. Although taller than the homes within this cul-de-sac, the scale of development is not considered unreasonable. The gap between the 4 proposed properties will reduce their bulk and allow views through to the vegetation behind. Their gable-fronted design relates to the projecting forward gables of the homes within the cul-de-sac.

4.5 The existing care home can be viewed from across the adjacent pond. The partial screen of trees will remain and it is considered that the form of development will be harmonious with the existing character of the pond edge which contains a mix of built development and landscaping.

4.6 The proposed density of the development is approximately 40 units to a hectare. Policy H5a of the Local Plan seeks densities of at least 40 units a hectare within the

urban area of York. Given that the homes contain 4 bedrooms it is considered that the scheme makes efficient use of land. For the reasons stated above it is not considered that the development would appear unacceptable in the local context. It is the case that the density is significantly higher than Meadow Way which adjoins the site to the south and east. However, it is not considered that this development should form a precedent for local development densities - the former sports field was developed in the early 1990's and has a density of around 11 dwellings a hectare.

Impact on Neighbours' living conditions

4.7 Policy GP1 seeks to ensure that neighbours living conditions are not unduly affected by development. There are three key neighbours affected by the proposal:

15 Meadow Way

This is a large detached property. There is a double garage on the part of the house adjacent to the new dwelling. This property has a very open aspect in that the rear garden overlooks the pond. Initially there were concerns that the side elevation of the property would be too oppressive given that unlike the existing care home it would adjoin the garden boundary. In response the applicant has moved the development away from the boundary and reduced the height of the roof. It is not considered that the amended scheme would cause unacceptable harm to living conditions of number 15. The nearest opening is approximately 9 m from the boundary. This is dual aspect and as such has a good outlook and level of light. The next nearest habitable room window apart from this is approximately 18 metres from the side boundary of the garden. The garden is very broad and open and the quality of the external space would still be high in terms of light, outlook and openness. The new development incorporates balconies to the rear. Conditions will be included to limit overlooking of the garden.

14 Meadow Way

The nearest elevation to the new development is a blank side gable. The property has a conservatory to the rear. There is already a degree of overlooking of the garden from the first floor of the existing care home. The development will be located slightly further to the south and west with the nearest house around 10 metres from the side boundary of the garden. Following negotiations the applicant has agreed to obscure glaze the second floor windows that overlook the rear garden and incorporate roof lights. This will reduce the degree of overlooking and allow the existing planting within the garden and along the along the boundary to provide privacy for significant parts of the garden.

There would be some additional overlooking of the conservatory, however, if screening were required for this small space it would be relatively easy to achieve. The development is to the north of the house and as such will have little impact on sunlight. It is also so oblique to the main windows of the house that it will have limited impact in respect to the privacy or outlook levels. Although the development is taller than the existing care home the gaps between the houses will help to reduce the bulk of the development and avoid it being unduly oppressive in terms of its impact on the relatively large garden.

5 Stray Garth

This is a two storey semi-detached house with a garage to the side adjacent to the proposed development. The house has no principal windows on the side elevation, although the side of the square bay rear window will look towards the application site.

There was some concern in respect to harm from overlooking of the garden from the adjoining proposed house. This has been reduced through the reduction in scale of the adjoining balcony and the removal of the Juliet balcony to the second floor. It is considered that through the use of an appropriate balcony screen the development would not cause undue harm in respect to privacy. In considering this, regard is given to the fact that much of the garden of number 5 can already be overlooked from the rear first floor windows of 3 Stray Garth.

Parking and Access

4.8 The site is within an established residential area. Although located at the end of a long vehicular cul-de-sac there are pedestrian links to the south via a short section of illuminated footpath adjacent to the Stray.

4.9 Each house has a garage with a car parking space to the front. It is considered that this level of car parking and cycle parking provision meets appropriate standards. The manoeuvring for cars is relatively tight, however, it is not considered that this has any significant bearing on highway safety or neighbour amenity. It will be conditioned that the garages are not converted to living accommodation.

4.10 It is understood from neighbours that larger vehicles including refuse lorries exit the site by reversing along the cul-de-sac. It is not considered reasonable to introduce a large turning head within the site given that the site previously contained a use that had the potential to generate a similar level of movement of large vehicles and had a similar footprint. However, a condition will be included requiring the developer to submit a statement showing how construction will be managed.

Amenity of proposed houses

4.11 The proposed houses are of a generous size and levels of light and outlook are reasonable. The rear gardens at around 80 sq m are relatively small for a four-bedroom property, however, they are considered capable of meeting the basic needs of the properties. It is the case that the overall development site is not deep and the approach taken is in line with the thrust of government guidance in that it helps to make more efficient use of the land.

4.12 The houses incorporate relatively large balconies on the first floor, this would seem a sensible approach given that it increases external space and creates an area that will be less impacted upon by the trees to the rear. The main outlook is across the lake, however, care will be taken to condition the provision and retention of privacy screens to avoid undue overlooking of gardens to the sides. It is the case that some other homes that back on to the pond have balconies at first floor level.

Trees

4.13 The development is not appreciably closer to trees along the rear boundary than the existing building. The development will lead to the loss of some small trees

within the site, however, these would not be worthy of protection and do not serve a key function in the wider area. It will be conditioned that protective fencing is erected during construction to protect the mature trees on the bank of the pond which fringe the site.

Loss of community facility

4.14 Policy C3 of the Local Plan states that proposals for care homes will only be allowed where the proposal is appropriate to the scale and character of the locality and it can be demonstrated that the buildings are surplus to requirements. Issues regarding scale have been considered earlier. Correspondence has been received from the Primary Care Trust outlining that the increase in community based support has reduced the need for residential care for people with mental illness and that where appropriate patients have been transferred to accommodation at Acomb Garth. The building was placed on the Register of Surplus Public Sector Land and no other government bodies expressed an interest in acquiring the land and building.

S106 Contributions

4.15 In line with the Council's guidance on Open Space a contribution of £11,720 is required for providing children's equipped play space and outdoor sports facilities. Given the previous use as a care home with 15 bed spaces it is not considered that the proposal will put additional pressure on local areas of informal amenity open space and as such a contribution for this element should not be sought.

4.16 No education contribution is required. The site is below the threshold requiring an affordable housing contribution.

5.0 CONCLUSION

5.1 The principle of re-using the site for residential development accords with planning policies on development contained in Planning Policy Statement 1.

5.2 The key issue of contention is considered to be the height and density of development. It is considered that issues relating to neighbour amenity have been satisfactorily addressed and can be adequately controlled by condition. The density level accords with the Council's targets - it is not considered that site specific circumstances, or the development history of the site justify a lower density. The proposed scheme is on average around 1 - 1.5 m taller than surrounding housing. This additional height is caused by the creation within each home of two bedrooms partly within the roof. It is not considered that the difference in building heights that results from this form of development is inappropriate within its context. This is because the surrounding area contains a mix of roof heights and styles and the relatively minor development would, from most locations, be viewed as a backdrop to existing housing. Government guidance in Planning Policy Statement 3 emphasises the importance of making efficient and effective use of land.

5.3 For the reasons outlined in this report it is recommended that the application be approved.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Plan 156/5/2 rev B received by the Local Planning Authority on 8 November 2008.
Drawing LCH6 - PD - ELA rev C and LCH6 - PD - PLA rev B received by the Local Planning Authority on 4 December 2007.
Drawing LCH6 - PD - EL rev E and LCH6 - PD - PL rev E received by the Local Planning Authority on 13 December 2007.
Drawing LCH6 - PD - ELB rev A and LCH6 - PD-PLB rev A received by the Local Planning Authority on 21 December 2007.

or any plans or details subsequently agreed in writing by the Local Planning Authority as an 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 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 development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

4 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

Reason: In the interests of the visual amenities of the area.

5 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 9.5 metres (plots 1 and 4) and 9.8m (plots 2 and 3), as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: To establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

6 No development shall take place 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. 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.

7 Prior to the development coming into use, the initial 10m of the vehicular access, measured from the back of the public highway, shall be surfaced, sealed and positively drained within the site. Elsewhere within the site all areas used by vehicles shall be surfaced and drained, in accordance with the approved plans.

Reason: To prevent the egress of water and loose material onto the public highway.

8 No part of the site shall come into use until the turning areas have been provided in accordance with the approved plans. Thereafter the turning areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To enable vehicles to enter and leave the site in a forward gear thereby ensuring the safe and free passage of traffic on the public highway.

9 No gate shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

10 Prior to the development commencing details of the measures to be employed to prevent the egress of mud, water and other detritus onto the public highway, and details of the measures to be employed to remove any such substance from the public highway shall be submitted to and approved in writing by the Local Planning Authority. Such measures as shall have been approved shall be employed and adhered to at all times during construction works.

Reason: To prevent the egress of water and loose material creating a hazard on the public highway.

11 The parking, garaging and manoeuvring areas shown on the approved plans shall be retained and kept free of obstructions at all times so that they can be used for the primary purpose of parking motorised vehicles and bicycles.

Reason: In order that cars, motor-cycles and bicycles can be parked off the public highway, in the interests of the safe and free flow of traffic.

12 The ground level of the site shall not be raised above the level of the adjacent

land.

Reason:

To prevent run-off from the site affecting nearby properties.

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

Reason: To avoid overloading the foul sewerage system.

14 At the soonest available opportunity, and in any event prior to the completion of the development, the developer shall submit a completed "Sustainable Design and Construction" statement for the development. The developer shall achieve an Ecohomes "Very Good" rating or the equivalent standard under the Code for Sustainable Homes, and if this is not achieved, the developer shall demonstrate the changes that will be made to the development in order to achieve this standard.

Reason: In the interests of sustainable development.

15 Before the commencement of and during building operations, appropriate measures shall be taken to protect the existing trees along the northern boundary of the site. This means of protection shall be agreed in writing with the Local Planning Authority and shall be implemented prior to the stacking of materials, the erection of site huts or the commencement of building works.

Reason: The existing planting is considered to make a significant contribution to the amenities of this area.

16 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A - E of Schedule 2 Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

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 1995.

17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), unless otherwise agreed in writing with the Local Planning Authority no openings shall be created in the external elevations of any of the properties other than those shown on the approved plans and no openings shall be altered in size or shape.

Reason: To protect neighbours' living conditions.

18 Notwithstanding the provisions of the Town and Country Planning (General

Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), unless otherwise agreed in writing with the Local Planning Authority the second floor front elevation windows proposed in plots 2, 3 and 4 shall at all times be obscure glazed in a type of obscure glazing to be agreed in writing with the Local Planning Authority prior to occupation of the premises.

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

19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), unless otherwise agreed in writing with the Local Planning Authority the second floor front elevation windows proposed in plots 2, 3 and 4 shall at all times be fixed shut.

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

20 Notwithstanding the submitted plans, and prior to the commencement of the development, further details of the proposed balcony screens for plots 1-4 shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be completed in accordance with the approved details before any property is occupied and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order) shall not be altered or removed unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of neighbours' privacy.

21 Prior to the commencement of any works on site a detailed method statement identifying the programming and management of construction works shall be submitted and approved in writing by the LPA.

Reason: In the interests of free flow of traffic and highway safety.

22 All demolition and construction works and ancillary operations, including deliveries to and despatch 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.	

23 No development shall take place until full details of what measures for bat mitigation and conservation are proposed and have been submitted to and approved by the Local Planning Authority. The works shall be completed in accordance with the approved details.

Reason: To take account of and enhance habitat for a protected species in accordance with PPS9.

24 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 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 £11,720.

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. 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 principle of housing development on the site, the impact on the streetscene, the impact on the amenity and living conditions of adjacent occupiers, highway considerations and nature conservation. As such the proposal complies with Central Government Guidance, in particular PPS1: Delivering Sustainable Development, PPS 3: Housing, and Policies GP1, H4a, C1, GP7, NE1, NE6, ED4 and T4 of the City of York Draft Local Plan Incorporating the Fourth Set of Changes(April 2005).

2. It should be noted that a protected species licence will be required from Natural England in order to demolish the building.

3. If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a remediation scheme to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

4. (i) The developer's attention should also 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 noted and acted upon. Failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(ii) 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".

(iii) 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.

(iv) 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.

(v) 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.

(vi) There shall be no bonfires on the site.

Contact details:

Author: Neil Massey Development Control Officer (Wed/Thurs/Fri)

Tel No: 01904 551657