

## COMMITTEE REPORT

**Committee:** West/Centre Area                      **Ward:** Acomb  
**Date:** 14 February 2007                              **Parish:** Acomb Planning Panel

**Reference:** 07/02738/FUL  
**Application at:** Land Lying To The Rear Of 6 To 10 Dane Avenue York  
**For:** Erection of 5no. two storey dwellings  
**By:** Yorkshire Housing  
**Application Type:** Full Application  
**Target Date:** 15 January 2008

### 1.0 PROPOSAL

1.1 The application relates to an area of enclosed grassland, which can be accessed from Dane Avenue. The site is surrounded by semi detached and terraced brick build properties. Boundary treatment is dominated by wooden fencing approx. 2 metres in height and mixed shrub/tree planting. A number of semi mature trees have been planted within the site. Properties on Courcey Grove are set down well below the application site.

1.2 The application at Dane Avenue is for a scheme developed in partnership with City of York Council as part of the 2006-2008 Approved Development Programme (ADP). It has been developed in conjunction with the Housing Corporation and Yorkshire Housing to develop 5 family houses, all for social rent.

1.3 The properties will be built by Yorkshire Housing with City of York Council benefiting from 100% nomination rights on first lets, with 75% nomination rights on subsequent re-lets. These homes will help to meet the demand for family housing identified by the Housing Market Assessment (HMA), released in July 2007.

1.4 The proposals are funded with Social Housing Grant (SHG) from the Housing Corporation. As part of the requirement of receiving SHG the homes must be built to Scheme Development Standards (SDS) and Eco-Homes Very Good, which has influenced the design and aesthetics of the scheme.

1.5 Cllr. D. Horton requested that the application should be considered by the Planning (West and City Centre Area) Sub Committee due to its potential impact upon neighbours.

1.6 A committee site visit is to take place as comments have been received and the application is recommended for approval.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

## 2.2 Policies:

CYGP1  
Design

CYGP10  
Subdivision of gardens and infill devt

CYGP4A  
Sustainability

CYH2A  
Affordable Housing

CYH4A  
Housing Windfalls

CYL1C  
Provision of New Open Space in Development

## **3.0 CONSULTATIONS**

Internal

3.1 York Consultancy - No Objections - Conditions Included.

3.2 Highway Network Management - No Objections - Conditions Included.

3.3 Lifelong Leisure and Learning - No Objections - Conditions Included.

3.4 Environmental Protection Unit - No Objections - Informative Included.

3.5 Education - No Objections

"requires no contributions as the local schools Carr Infant and York High have spare capacity"

3.6 Housing and Adult Social Services - Supports the Application.

External

### 3.7 Acomb Planning Panel - do not object - comments

"car parking provision is limited, will cause cars to be parked in access road or turning area"

3.8 Two letters of comment have been received in response to the applicants' proposals. The letters raise the following issues:-

- \* Access to maintain Leylandii hedging.
- \* Concerns about surface run off.

## **4.0 APPRAISAL**

### 4.1 KEY ISSUES:-

- planning policy.
- density/layout/impact on neighbours.
- highway issues.
- affordable housing.
- Education and Open Space Contributions.
- Sustainability.

4.2 Policy GP1 'Design' of the City of York Local Plan Deposit Draft includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

4.3 Planning Policy Statement 3 'Housing' (PPS3), published in November 2006, came fully into force on 1st April 2007. This states that in deciding planning applications, Local Planning Authorities should have regard to:

- \* Achieving high quality housing

- \* Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people;
- \* The suitability of the site for housing, including its environmental sustainability;
- \* Using land effectively and efficiently;
- \* Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider objectives.

4.4 Policy H4a 'Housing Development in Existing Settlements' of the City of York Draft Local Plan states that permission will be granted for new housing development on land within settlements providing it is vacant/derelict/underused or involves infilling, redevelopment or conversion; and, is of an appropriate scale and density to surrounding development and would not have a detrimental impact on existing landscape features.

4.5 GP4a "Sustainability" Policy GP4a - proposals for all development should have regard to the principles of sustainable development .

All commercial and residential developments will be required to be accompanied by a sustainability statement. The document should describe how the proposal fits with the criteria listed below and will be judged on its suitability in these terms.

#### PRINCIPLE OF DEVELOPMENT

4.6 The applicant proposes to create a high density (considering the constraints of the site) infill development, with a 100% affordable housing provision on an area of informal open space. The site will be accessed from Dane Avenue and has a layout designed to provide sufficient vehicular turning and manoeuvring space for both the future residents and any servicing/emergency vehicles. Drainage issues associated with changing gradients will be considered from the outset Large garden areas are a key feature of the proposal.

#### DENSITY/LAYOUT/IMPACT ON NEIGHBOURS

4.7 As submitted the applicant proposes to erect 5 no. two storey dwellings, giving a density of 29.4 dwellings per hectare. Policy H5a expects that in urban areas residential densities should generally be greater than 40 dwellings per hectare, however this is dependant on site circumstances and an overarching requirement that densities should be compatible with the surrounding area. In this instance the site boundaries restrict the design configurations available to the applicant. The "dwellings per hectare" provision is considered to be acceptable in this instance as the overall layout in conjunction with the aforementioned density is comparable with properties, which border the application site.

4.8 The mix of house types are as follows

- \* 5 No.2 bed dwellings with 1 or 2 parking spaces.

4.9 Dwellings have been arranged to minimise overlooking. Although some overlooking will exist from first floor windows, the 45 degree ruling ensures that none of the main amenity areas of neighbouring properties (e.g. rear windows and patio areas) will be directly impacted upon. This is particular pertinent when distance provisions are also taken into consideration.

4.10 Between 21.4 and 35.2 metres have been provided from the rear of existing dwellings on Jute Road (located to the south and south west) to both the gable and rear elevations of Block A.

4.11 Between 29 and 42 metres have been provided between the proposed front elevations of Plots A and B to the rear elevations of dwellings on Dane Avenue.

4.12 A provision of 21 metres is generally required between facing two storey elevations, therefore the provisions for both Plots A and B are considered to be compliant.

4.13 The location of Block B by virtue of changing gradients needs particular consideration. The existing ground floor and ridgeline levels of properties on Courcey Road will be 1.5 metres and 3.3 metres lower, respectively, than those proposed for Plot B, therefore the potential for existing amenities to be impacted upon is significant.

4.14 Plot B has been positioned so the eastern gable faces an existing gap between No's 2 and 3, Courcey Road. Normally, a distance of 12 metres would be required between a proposed gable and habitable ground floor windows of any neighbouring property, in this instance only 11 metres exists. Although not wholly compliant with relevant guidance, the proposals are considered acceptable for the following reasons.

4.15 Firstly, No's 2 and 3, Courcey Road are orientated in a westerly and north westerly direction respectively, therefore neither first floor or ground floor windows directly overlook the elevated western gable of Plot B. Secondly the highest point of Plot B runs in line with the shared boundary between No's 2 and 3, Courcey Close and although being approx. 9.9 metres higher than the lowest garden level the gable is not considered to significantly impact upon the main amenity areas of the aforementioned properties.

4.16 Within the site, the western facing gable of Unit 4, by virtue of its orientation and close proximity to the shared boundary with Unit 3, results in a significant loss of light during the early morning. However, it must be noted that this property and those adjoining will enjoy uninterrupted sunlight for the majority of the day.

4.17 The whole site will be contained by a 1.8 metre high wooden fence, with both 1.2 metre high wooden and metal fences dividing the front and rear amenity spaces.

## HIGHWAY ISSUES

4.18 Highway Network Management on receipt of revised layout details have no objections to the proposed access and site layout, subject to the inclusion of conditions.

## AFFORDABLE HOUSING

4.19 Please note paragraphs 1.2 to 1.5.

### Education and Open Space Contribution

4.20 No financial contribution is required by education as the both local schools (Carr Infant and York High have spare capacity.

4.21 Under Policy L1c "Provision for New Open Space in Development" the applicant is required to provide a financial contribution of £6,210, which will be used to improve local amenity open space, play space and sports pitches.

### Sustainability

4.22 As required by Policy GP4a, the applicants' have submitted a sustainability statement. The applicant aims to achieve a BREEAM "VERY GOOD" standard.

### Drainage

4.23 Additional comments are being sought; members will be updated. Discussion with York Consultancy "Drainage" suggest that all drainage issues can be addressed prior to the commencement of development by the inclusion of conditions.

## 5.0 CONCLUSION

5.1 The applicants' proposals are considered to be acceptable in this instance and are therefore recommended for approval.

## 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:-

- P03 - Proposed Floor Plans - Block 1
- P04 - Proposed Floor Plans - Block 2
- P05 - Proposed Elevations - Block 1
- P10 - Site Section

P07 - Proposed Boundary Treatments.  
P06 - Proposed Elevations - Block 2.  
P02 (Revision A) - Proposed Site Layout.  
P09 - Topographical Survey.  
P08 - Boundary Key.

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 VISQ8 Samples of exterior materials to be app

4 Prior to the commencement of the development hereby permitted details shall be submitted to and approved in writing by the LPA of the layout and construction of the private roadways, footways, turning areas, street lighting and surface water drainage within the site. Such communal areas shall be constructed in all respects in accordance with the approved plans prior to the occupation of any dwelling on the site and thereafter shall be retained and maintained free of all obstructions that would prohibit their intended use.

Reason - In the general interest of safety, security and amenity of the occupants of the site

5 HWAY14 Access to be approved, details reqd

6 HWAY19 Car and cycle parking laid out

7 HWAY31 No mud on highway during construction

8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no doors, windows or other opening additional (including dormer windows and rooflights) to those shown on the approved plans shall at any time be inserted into the external elevations of the dwellings hereby approved.

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

9 All construction and demolition or refurbishment works and ancillary operations, including deliveries to the site and despatch from the site shall only be carried out between the hours of 08.00 and 18.00 Mondays to Fridays and 09.00 to 13.00 on Saturdays and not at all on Sundays and Bank Holidays.

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

10 Any suspect contaminated materials detected during site works shall be reported to the local planning authority. Any remediation for this contamination shall

be agreed with the local planning authority and fully implemented prior to any further development of the site.

Reason: To protect the health of the occupants

11 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 to 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

12 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: To comply with Policy L1C 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 financial contribution towards the off site provision of open space. The obligation should provide for a financial contribution calculated at £6210.

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.

13 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 8.6 metres, 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

14 Prior to the commencement of development, a sustainability statement addressing criteria set out in Policy GP4a of the Local Plan and the "Code for Sustainable Homes", shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development

15 The design of all dwellings shall be in accordance with the contents of the sustainability statement stamp dated 25.01.2008 submitted by the applicants' agent, which will satisfy the requirements of Policy GP4a and aims to achieve a full BREEAM rating of "Very Good".

Reason: In the interests of sustainable development and Policy GP4a

## **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 visual/residential amenity, affordable housing provision and highway issues. As such the proposal complies with Policies GP1, GP10, GP4a, H2a, H4a and L1c of the City of York Development Control Draft Local Plan.

### 2. Demolition and Construction - Informative

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.

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 attached to any planning approval, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

1. 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.

2. 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".
3. 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.
4. 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.
5. 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.
6. There shall be no bonfires on the site.

3. 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

**Contact details:**

**Author:** Richard Mowat Development Control Officer  
**Tel No:** 01904 551416