

## COMMITTEE REPORT

**Committee:** East Area  
**Date:** 29 May 2008

**Ward:** Osbaldwick  
**Parish:** Osbaldwick Parish Council

**Reference:** 08/00844/FUL  
**Application at:** Land Lying To The North East Of 52 Temple Avenue York  
**For:** Two detached dwellings with associated access, landscaping and parking  
**By:** Joseph Rowntree Housing Trust  
**Application Type:** Full Application  
**Target Date:** 6 June 2008

### 1.0 PROPOSAL

1.1 This application seeks planning permission for two dwellings on land situated to the north east of 52 Temple Avenue. Each dwelling would be three storeys in height and contain three bedrooms. The application site is within the "Derwenthorpe" development site, which has the benefit of outline planning permission for four neighbourhoods of houses each served by their own vehicular access. The Derwenthorpe scheme is likely to consist of approximately 540 dwellings in total.

1.2 The purpose of this application is to create two prototype houses for the Derwenthorpe development. The dwellings to be erected on Derwenthorpe must achieve certain environmental standards. These standards are a minimum of level 3 under the Code for Sustainable Homes, and maximum carbon dioxide emissions of 24 kilograms per square metre of gross floor area per annum. The prototype houses will test construction methods to ensure the required environmental standards are achieved in the first phase of construction.

1.3 This application has been called in to Committee at the request of Cllr. Moore. The reason for calling the application in is the contentious nature of the proposal due to it being on the Derwenthorpe site and to assess whether the application prejudices the outline application for the entire site.

### 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

CYH1  
Housing Allocation

CYH3B  
Managed Release of Allocated Housing Sites

CYH5A  
Residential Density

CYL1C  
Provision of New Open Space in Development

CYT4  
Cycle parking standards

CYGP4A  
Sustainability

### **3.0 CONSULTATIONS**

Internal

3.1 Highway Network Management - No objections subject to standard conditions.

3.2 Lifelong Learning and Culture - No commuted sum payment for off-site open space is required as this has been agreed as part of the Section 106 agreement for the Derwenthorpe site as a whole.

3.3 Environmental Protection Unit - No objections.

External

3.4 Osbaldwick Parish Council - Object:

- three storey buildings would overpower existing houses in the area and be out of keeping;
- the permission would be premature prior to all reserved matters being agreed;
- no service details have been supplied;
- the site level could create flooding problems;
- the window heights are out of keeping with the buildings.

3.5 Neighbours/Site Notice - One letter of objection received from 52 Temple Avenue. The letter outlined concern that the digging of footings would structurally damage the property and that one of the dwellings is being built onto the property of 52 Temple Avenue. The letter states that Joseph Rowntree were asked to leave a buffer zone of several metres so that properties would not be damaged with the digging of footings. Concern was also raised regarding a loss of light and view which the dwelling currently enjoys. Traffic noise would increase.

### **4.0 APPRAISAL**

4.1 Key Issues:

- Visual impact on the street scene;
- Impact on the living conditions of neighbours;

- Cycle and bin stores;
- Highways;
- Sustainability.

4.2 The application under consideration sits within the Derwenthorpe housing site which has outline planning consent. The proposal is a full application with all planning issues to be considered in its determination. The two proposed houses would help facilitate the Derwenthorpe development through providing prototype houses for phase one of the development, however the proposal should be assessed on its own merits. The principle of developing this site for housing has been established through the outline consent. The two dwellings would be located on an allocated housing site, as defined within Local Plan Policy H1.

4.3 The location of the houses is generally in line with the approved Outline Masterplan for Derwenthorpe and the approval of this application is not considered to compromise the future development of Derwenthorpe. Temple Avenue will become the vehicular access point for Neighbourhood C of the Derwenthorpe development.

## VISUAL IMPACT

4.3 The proposed dwellings are of a contemporary design and are complimented by the use of some traditional materials such as red brick and clay tiles. The proposed dwellings are characterised by large sweeping roofs and large timber framed window openings. The dwellings have a footprint of approximately 10 x 6.6 m with a ridge height of 10.8 m. The height of the dwellings is significantly above those of the dwellings on Temple Avenue. However the bulk of the buildings would be lower than the height suggests given the modest eaves height and the sweeping roofs. The proposed dwellings provide accommodation in the roof space which is the reason for the additional height.

4.4 The design of the dwellings does not attempt to match those of the surrounding area. However, they are considered to be of high quality and interesting design. The finished quality of the dwelling can be assured through the use of a planning condition to control construction materials. A number of dwellings of contemporary design have been approved within York. The dwellings will eventually become part of the Derwenthorpe site as a whole and will match the character and appearance of the dwellings which were approved as part of the phase 1 development.

## LIVING CONDITIONS OF NEIGHBOURS

4.5 52 Temple Avenue has no windows within its side elevation and therefore there would be no loss of outlook for residents of this property. There would be a separation distance of approximately 4m between 52 Temple Avenue and the proposed dwelling to the northeast. This is considered sufficient for the dwelling not to appear overbearing when viewed from the curtilage of 52 Temple Avenue. The proposed dwelling has no windows in its side elevation facing 52 Temple Avenue and therefore there would be no direct overlooking and no significant impact on the privacy levels which residents of this dwelling could reasonably expect to enjoy. A bike and bin store is proposed to be erected close to the property curtilage boundary

between these two dwellings. However, this is likely to be low lying and not have an significant impact on neighbouring amenity.

4.6 Opposite number 52 is 67 Temple Avenue which has a first storey window on its side elevation, however this appears to be secondary in nature. A separation distance of approximately 6.6 m would exist between the dwelling of 67 Temple Avenue and the proposed house. The distance from the side curtilage boundary to the dwelling would be approximately 4m. Again this is considered sufficient for the dwelling not to appear overbearing or significantly harm outlook. No windows are proposed in the side elevation of the dwelling which faces 67 Temple Avenue and thus there are no significant privacy issues. Both proposed dwellings are north east of the nearest dwellings which means that they are not likely to result in a significant reduction in the level of natural light entering the neighbouring curtilages.

#### CYCLE AND BIN STORES

4.7 A secure store is proposed for each dwelling which can accommodate two bicycles. This is in line with the cycle parking standards for a 3 bedroom + dwelling house outlined within Appendix E of the Local Plan, the proposal therefore complies with Policy T4. Details of the design of the cycle store have not yet been submitted and this could be controlled by condition. The store would also accommodate refuse and recycling bins and boxes in line Local Plan Policy GP1. This will allow storage out of sight of the public domain and enhance the appearance of the street scene.

#### HIGHWAYS AND CAR PARKING

4.8 As part of the outline consent for Derwenthorpe a number of highway works are proposed for Temple Avenue and the surrounding highway network. These works will be carried out before the dwellings within Neighbourhood C are occupied. The application under consideration is separate from the outline consent for the Derwenthorpe scheme and no highway works are required at this stage. Traffic generation from the two dwellings is not likely to materially affect the local highway network. Each unit can accommodate off street car parking in line with the maximum car parking standards contained within Appendix E of the Draft Local Plan.

#### SUSTAINABILITY

4.9 One of the main purposes of the application is to demonstrate that it will be possible to achieve a minimum Code for Sustainable Homes Level 3 for Derwenthorpe. The approved 'Interim Planning Statement on Sustainable Design and Construction' states that new dwellings should achieve a minimum of Code for Sustainable Homes Level 3. Therefore the proposed development is in line with the Interim Planning Statement. The primary sustainability measures to be adopted are optimising passive solar gain, high levels of thermal insulation, good levels of air tightness, and controlled ventilation.

#### OPEN SPACE

4.10 A commuted sum payment for off-site open space provision/improvement is not sought. This is because as part of the Derwenthorpe scheme both the provision of

on-site open space and off-site improvements have been agreed. A condition requiring a commuted sum payment in association with this application would in essence be double charging the applicants. Therefore Policy L1c of the draft Local Plan is not considered relevant in this case.

## **5.0 CONCLUSION**

5.1 It is considered that this application complies with relevant local planning policies and is 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:-

Drawing Numbers 2150\_PL\_131, 230, 231, 330, and 331 received by The CoYC on 02/04/08

or any plans or details subsequently agreed in writing by the Local Planning Authority as 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 Prior to the development commencing details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads.

4 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles and cycles have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

5 VISQ8 Samples of exterior materials to be app

6 VISQ4 Boundary details to be supplied

7 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 10.8 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.

## **7.0 INFORMATIVES: Notes to Applicant**

### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the street scene and the amenity and living conditions of neighbours. As such the proposal complies with Policies GP1, GP4a, H1, H3b, H5a and T4 of the City of York Draft Local Plan.

### 2. 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 scheme remediation 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 noted and acted upon. Failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(i) 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".

(ii) 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.

(iii) 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.

(iv) 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.

(v) There shall be no bonfires on the site

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