

COMMITTEE REPORT

Committee: East Area
Date: 26 June 2008

Ward: Clifton
Parish: Clifton Planning Panel

Reference: 08/00816/FULM
Application at: Clifton Garage 82 - 84 Clifton York
For: Erection of 1no block of four 3 storey dwellings two pairs of 3 storey semi detached dwelling and a 3 storey block of six apartments with additional access garaging, parking, cycle storage and landscaping following demolition of existing buildings
By: Mr R Pulleyn
Application Type: Major Full Application (13 weeks)
Target Date: 1 July 2008

1.0 PROPOSAL

1.1 The application relates to a rectangular area of land measuring approximately 0.2 hectares in area fronting onto Clifton with a site frontage of 28 metres and a depth of 75 metres. The site currently houses a commercial garage with a forecourt and showroom to the front of the site and workshops to the rear. The existing buildings on the site are single and two storeys in height of modern design and construction materials.

1.2 To the immediate south east of the site is a row of traditional terraced properties, the rear garden areas of which face the site. To the north east is a more modern 3 storey flatted development and to the north west are a mix of residential and commercial properties. The site is located in the Clifton Conservation Area.

1.3 The application seeks full planning permission for the erection of 1 block of 4no. three storey dwellings, two pairs of three storey semi detached dwellings and a 3 storey block of 6no. two bedroom apartments with access, garaging, parking, cycle storage and landscaping, following demolition of existing buildings.

1.4 An amended site plan was submitted on 12.06.08 showing alterations to the internal layout of the parking and circulation areas at the request of the Highways Officer.

1.5 The application is being considered by East Area Planning Sub-Committee as it is a 'major' application. A request has also been received from Councillor Scott for the application to be considered by Planning Committee for the following reasons; it is of importance to local residents; it is within the Clifton Conservation on a main arterial road into York.

1.6 This application follows an earlier application for the erection of 14 apartments and a retail unit with associated car parking which was dismissed on appeal in February 2008 on the grounds that the proposed retail unit would have significantly adverse affects on the local highway network and the living conditions of neighbours.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Clifton 0013

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

2.2 Policies:

CYGP1
Design

CYGP4A
Sustainability

CYGP6
Contaminated land

CYGP10
Subdivision of gardens and infill devt

CYGP9
Landscaping

CYH3C
Mix of Dwellings on Housing Site

CYH5A
Residential Density

CYHE3
Conservation Areas

CYHE5
Demolition of Listed Buildings and Buildings in Conservation Areas

3.0 CONSULTATIONS

3.1 Internal

Conservation Architect - No objections to the proposal. The 4 houses to the front of the site respond well to the scale of adjacent buildings. The window design will help to integrate the houses into the existing village and views along Clifton will be much improved. The development to the rear, although outside the Conservation Area, fits into the grain of development on either side of the site.

Highways (Network Management) - No objections to the proposal, subject to a number of conditions.

Environmental Protection Unit - No objections in principle, however they do raise concerns with regards to the impact of traffic noise on the amenity of future occupiers. Recommend conditions relating to noise assessment and mitigation measures, and restricting hours of demolition and construction.

Lifelong Learning and Leisure - As there is no on-site public open space, a commuted sum should be paid for amenity space, play space and sports pitches.

Education - Funding is currently required for 2 pupils at Canon Lee High School.

3.2 External

Clifton Planning Panel - No objections.

Conservation Areas Advisory Panel - The panel supports this much-improved scheme.

Public response - Two letters of representation have been received from the occupiers of Avenue Terrace stating the following; during demolition care should be taken that no damage occurs to the boundary wall along the rear of 3-7 Avenue Terrace; the properties fronting Clifton are three storeys which will result in a decrease in day light to properties on Avenue Terrace.

4.0 APPRAISAL

4.1 Key Issues

- Principle of residential development
- Density and mix of housing
- Design / Impact on Character of Conservation Area
- Impact on Amenity
- Access, Parking and Highway Safety
- Sustainability
 - Drainage and Flood Risk
 - Impact on Existing Facilities

4.2 Policy Context; relevant policies are contained at section 2.2.

4.3 Principle of Residential Development

Central Government advice contained within Planning Policy Statement 3 "Housing" (PPS3) and Policy H4a (Housing Windfalls) of the City of York Draft Local Plan encourage new housing development to be located on previously developed land. The latter policy states that planning permission will be granted where the site is within the urban area, has good accessibility, is of an appropriate scale and density and would not have a detrimental impact on existing landscape features. In addition SP10 (Strategic Windfalls) states that the reuse for housing will be a high priority on windfall sites below 0.2 hectares outside the City Centre.

The site would fall within the definition of 'previously developed land' as it currently houses a number of commercial buildings, is located in a predominantly residential area within the main urban area of the City and has good accessibility. Therefore, the principle of redevelopment of the site for residential purposes is acceptable in policy terms.

It should also be noted that the Planning Inspectorate, when considering the recent appeal, did not cite the principle of residential development on this site as an issue for consideration.

4.4 Density and Mix of Housing

Central Government advice contained within PPS3 Housing and Policy H5a (Residential Density) of the Draft Local Plan encourage the efficient use of land in all new housing developments, whilst having regard to the character, quality and amenity of the area. Policy H5a states that new residential developments in the urban area, but outside the city centre, should aim for a density greater than 40 dwellings per hectare. This application proposes a total of 14 dwellings on a 0.2 hectare site, equating to a density of approximately 70 dwellings per hectare, which is above the minimum requirement.

In terms of the mix of housing, PPS3 and H3c seek to secure a mix of house types, sizes and tenures on all new residential development sites, in order to sustain mixed communities. There is no requirement for affordable housing as the number of units proposed is below the threshold. The application proposes 8no. four bedroom houses and 6no. two bedroom flats, which is considered an adequate mix given the size and location of the site.

4.5 Design / Impact on Character of the Clifton Conservation Area

Central Government advice contained within Planning Policy Statement 1 "Delivering Sustainable Development" and PPS3 seek to secure an improvement in the quality of new housing development with sustainable and environmentally friendly new housing encouraged. Furthermore Planning Policy Guidance Note 15 "Planning and the Historic Environment" re-iterates the statutory duty that development preserves or enhances the character of appearance of Conservation Areas.

The application seeks permission for the erection of 4no. three storey two houses fronting onto Clifton, with 2 pairs of three storey semi detached dwellings and a three storey block of six flats to the rear. The buildings have been arranged to create a central courtyard to the rear incorporating the car parking and circulation areas, as well as the cycle and bin stores.

The Council's Conservation Architect has commented as follows; The site affects the Clifton Conservation Area close to the Village Green, which is the focus of the area. The rural quality of the former village is maintained by the presence of the landscaped enclosed green, mature trees, wide verges and a mix of uses mostly occupying historic buildings - the earlier ones retaining a intimate small scale with later Victorian and Edwardian houses being interspersed between them. Close to the green, the Conservation Area boundary is drawn around the frontage properties

enclosing the main roads. The front part of the garage and its forecourt are within the boundary. The loss of enclosure onto the road, the use of the forecourt for parking and the rudimentary nature of the large scale garage buildings, create a character and appearance which does not make a positive contribution to the Conservation Area.

The proposed redevelopment scheme for 14 dwellings would be arranged on site to create an enclosed linear space to the rear of new terraced houses onto the main road. The four frontage properties respond to the scale of adjacent buildings and a double pitch has been used to reduce the scale of the exposed gable, maintaining the characteristic roof pitch of the traditionally built houses. A variation in the set-back of the footprint and in the approach to window design, helps to integrate the terraced houses with the less formal context of the former village. Views onto the development and along the street would be much improved.

Within the site, development has been broken down into blocks, close enough together to achieve an enclosed linear space of semi-private activity. Although this part of the site is mostly outside the Conservation Area the form of development fits with the grain on either side. Eaves heights have been lowered slightly in this location to make the development subsidiary to the frontage and to reduce impact on neighbouring houses.

Boundary treatments would be improved by the introduction of brick walls. The existing tree to the west should be protected during works. The introduction of gardens is welcome. A good landscape scheme would achieve a softening in the courtyard and there is potential to further improve views into the site.

Overall the scheme would appear to enhance the character and appearance of the Clifton Conservation Area.

4.6 Impact on Amenity

In terms of the amenity of surrounding occupiers, the proposed houses and flats are to be three storeys in height. The front elevations of the properties fronting Clifton would be 21 metres from those opposite the site which is considered adequate to prevent unacceptable levels of overlooking. The gable end of this group of 4 dwellings would be located 15 metres from the rear elevation of the properties along Avenue Terrace. Given this separation distance and that the site is to the north west of Avenue Terrace it is not considered that these dwellings would result in unacceptable loss of light or overshadowing

The positioning of the houses to the rear of the site would maintain separation distances of 21 metres from both the properties on Avenue Terrace and Fern Cottages and as a result these properties would not result in unacceptable levels of overlooking or overshadowing.

The flats to the rear would be located 9 metres from the modern flat block to the north east of the site which contains non habitable room windows in the elevation facing the site. The north eastern elevation of the new block would contain windows serving bedrooms, however given the separation distances and the absence of

habitable room windows in the existing flat block, this relationship is considered acceptable.

In terms of future occupiers of the dwellings the rear private garden areas for the four bedroom houses would be modest in size, however given the proximity of Clifton Green to the application site and the reduced emphasis on the provision of large gardens it is considered that the small garden areas are acceptable in this instance.

4.7 Access, Parking and Highway Safety

In terms of sustainability the site is located close to local facilities, public open space and on a cycle route and frequent bus service.

The site has an historic use for the sale, repair and rental of vehicles and based upon the information supplied by the applicant the site generates a significant amount of traffic throughout the day utilising two existing accesses. The proposed development will be served from the one improved access to the south of the site and the proposed development is likely to result in a reduction in traffic movements. There are plans to improve the alignment of the adjacent Public Right of Way known as Clifton no.9 to remove a blind spot on the route which will improve pedestrian safety.

In terms of parking the maximum number of spaces required for the number and size of dwellings proposed is 23, the proposed development would provide 18 spaces. This level of car parking is considered to be acceptable given the sites location close to the City Centre and the range of local facilities. The applicant has also agreed to contribute £2240 towards the provision of car club facilities in the locality of the site. Covered and secure cycle parking is also proposed within the site.

The proposed development is considered to be in line with the guidance contained within PPG13 Transport.

4.8 Drainage and Flood Risk

It is intended that surface water and foul sewerage will be disposed of into the main drains and sewers. A condition will be attached to any approval requiring the drainage details to be submitted for approval prior to development commencing.

The site is located within Flood Zone 1 and therefore there are no serious flood risk implications for this development nor is it likely that the proposal would add to flood risk in the surrounding area.

4.9 Sustainability

The application is accompanied by a Sustainability Statement. This points out that the site is adjacent to the A19 arterial highway and is within 1000 metres of York Minster. It is also adjacent to a number of local facilities, including shops, a bank, public house and restaurant, guest houses and hotels. The location is within walking distance of the city centre, local shops, schools and entertainment centres, and is also on a bus route, with buses running every thirty minutes. The site is bounded by

2.4 metre high brick walls to aid security and the private access road will be gated with coded access. The proposal will raise commuted sums to assist the development of local facilities and will help to sustain existing facilities such as shops and local businesses.

The development will be constructed of renewable materials wherever possible, using an internal timber frame and sheep's wool for the cavity insulation. Double glazing in energy efficient timber windows along with micro combined heating and power units will produce an energy efficient building. Low energy lighting and non-electric heating all combine to reduce energy consumption. Rainwater will be collected and used for watering gardens and landscaped areas. The dwellings will have separate refuse containers for household and green waste.

A condition will be attached requiring the submission of a full Sustainable design and Construction Statement.

4.10 Impact on Local Facilities

Policy C6 of the Draft Local Plan allows the Council to seek financial contributions towards community facilities which are required as a direct result of the proposed residential development. Following consultation with Education, they confirm that the development would require funding for 2 secondary school places which would equate to a commuted sum payment of £32,540.

Policy LC1 of the Local Plan requires new housing development to make provision for the open space needs of future occupiers and allows this to be addressed through a commuted sum payment towards off site provision. The proposed development will require a commuted sum payment of £31,500.

5.0 CONCLUSION

5.1 The application is recommended for approval, subject to conditions.

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:-

Location Plan 08:31:07 received on 01.04.08

Proposed Site Plan 08:31:02 revision B received on 12.06.08

Proposed Flats Elevations 08:31:05 received on 01.04.08

Proposed Dwellings (plots 1-4) Elevations 08:31:03 received on 01.04.08

Proposed Dwellings (plots 5-8) Elevations 08:31:04 received on 01.04.08

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 VISQ8 Samples of exterior materials to be app
- 4 VISQ7 Sample panel ext materials to be approv
- 5 VISQ4 Boundary details to be supplied

6 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.

- a. Window and window surrounds
- b. External doors and door surrounds
- c. Eaves details and verge details
- d. Garage doors and door heads
- e. Dormer windows
- f. String courses
- g. Rainwater goods
- h. Cycle store and bin enclosure
- i. Garages

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

7 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme including hard and soft landscaping, boundary walls and railings, external lighting, gates and gate posts. This approved planting 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.

8 Prior to development commencing a noise assessment shall be carried out and submitted for approval to the Local Planning Authority. The report shall be in line with the British Standard 4142 and PPG 24 to determine the noise impact of the traffic along Clifton on the proposed dwellings and include any necessary mitigation measures. The development shall be carried out in accordance with the approved scheme.

Reason: to protect the amenity of future residents.

9 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.	

Reason: to protect the amenity of the nearby residents.

10 A desk study shall be undertaken in order to identify any potentially contaminative uses which have or are currently occurring on the site. This shall include a site description and a site walkover and shall be submitted to and approved by the local planning authority prior to development commencing at the site.

(Informative: This should, where possible, date back to 1800.)

Reason: To protect the amenity of neighbouring residents and the wider environment.

11 A site investigation shall be undertaken based upon the findings of the desk study. The investigation shall be carried out in accordance with BS10175: Investigation of potentially contaminated land: code of practice. The results of the investigation shall be submitted to and approved by the local planning authority in writing prior to any development commencing on the site.

Reason: To protect the amenity of neighbouring residents and the wider environment.

12 A risk-based remedial strategy shall be developed based on the findings of the site investigation. The remedial strategy shall be submitted to and approved by the local planning authority in writing. The approved strategy shall be fully implemented prior to any development commencing at the site.

(Informative: The remedial strategy shall have due regard for UK adopted policy on risk assessment and shall be developed in full consultation with the appropriate regulator(s).)

Reason: To protect the amenity of neighbouring residents and the wider environment.

13 A validation report shall be submitted to and approved by the local planning authority, detailing sample locations and contaminant concentrations prior to any development commencing at the site.

Reason: To protect the amenity of neighbouring residents and the wider environment.

14 Any contamination detected during site works that has not been considered within the remedial strategy 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 at the site.

Reason: To protect the amenity of neighbouring residents and the wider environment.

15 A timetable of proposed remedial works shall be submitted to the local planning authority prior to any works being undertaken on the site.

Reason: To protect the amenity of neighbouring residents and the wider environment.

16 Prior to the commencement of development the developer shall submit a "Sustainable Design and Construction" statement for the development. This statement shall include the measures to be incorporated at the design and construction stage in order for the dwelling to achieve an Ecohomes "Very Good" rating or the equivalent standard under the Code for Sustainable Homes. Prior to first occupation of the dwelling, a further statement shall be submitted which confirms that the dwelling has achieved this standard. If the dwelling has not achieved the required sustainability standard, details of the changes to be made to the development to bring the dwelling up to the standard required and a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

17 The parking and garaging shown on the approved plans shall be 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.

18 Notwithstanding the information contained on the approved plans, the maximum height of the approved development shall not exceed 11 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.

19 HWAY13 Access to be improved

20 The development shall not be brought into use until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the northern access to the site to match adjacent levels.

Reason: In the interests of good management of the highway and road safety.

21 HWAY19 Car and cycle parking laid out

22 HWAY21 Internal turning areas to be provided

23 HWAY31 No mud on highway during construction

24 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.

- a) Build out onto Clifton to prevent parking over the new access.
- b) Improvements to Clifton no.9 PROW.

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

25 Prior to works starting on site a dilapidation survey of the highways adjoining the site (Clifton and the adjacent no.9 PROW) shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the LPA.

Reason: In the interests of the safety and good management of the public highway.

26 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 the Local Planning Authority. The construction works shall be carried out in accordance with the approved scheme.

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

27 No development shall commence unless and until details of provision for car club facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The car club facility 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 the interests of reducing the dependence on the private car in line with the guidance contained within PPG13 Transport.

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 existing car club facilities. The obligation should provide for a financial contribution calculated at £2240.

No development can take place on this site until the car club facility 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.

28 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 L1c of the Development Control Local Plan which requires that all new housing sites make provision for the open space needs of future occupiers.

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 £31,500.

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.

29 No development shall commence unless and until a scheme to ensure the provision of adequate additional foundation and secondary school places within the local catchment area has been submitted to and approved by the local planning authority.

Reason: The education provision within the catchment area of the development has insufficient capacity to take more pupils, such that additional places are required in the interests of the sustainable development of the city in accordance with Policy C6 of the Development Control Local Plan and the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated January 2005.

INFORMATIVE:

The provisions 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, The obligation should provide for a financial contribution calculated at £32,540. The basis for this calculation is contained within the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated January 2005.

No development can take place on this site until the condition has been has been discharged and you are reminded of the Local Planning Authority's enforcement powers in this regard.

30 DRAIN1 Drainage details to be agreed

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:

- Principle of residential development
 - Density and mix of housing
 - Design / Impact on Character of Conservation Area
 - Impact on Amenity
- Access, Parking and Highway Safety
- Sustainability
- Drainage and Flood Risk

As such the proposal complies Policies GP1, GP4a, GP6, GP10, GP9, H3c, H5a, HE3, and HE5 contained with the City of York Draft Local Plan and Central Government advice contained within Planning Policy Statements 1 and 3 and within Planning Policy Guidance Note 15.

2. INFORMATIVE:

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:

(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.

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 62 Michael Kitchen 01904 551336

4. INFORMATIVE:

You are advised that this proposal may have an affect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

5. INFORMATIVE:

The application is advised that the route of the public right of way, known as Clifton path 9, should not be damaged/alterd/hindered in any way without prior written consent from the Authorities Public Rights of Way unit.

Contact details:

Author: Kirsty Catlow Development Control Officer

Tel No: 01904 551359 (Tues - Fri)