

COMMITTEE REPORT

Committee: East Area
Date: 10 July 2008

Ward: Haxby And Wigginton
Parish: Haxby Town Council

Reference: 07/02590/FUL
Application at: 42 South Lane Haxby York YO32 3JA
For: Erection of 4 no. detached dwellings following demolition of 2 semi-detached dwellings, 2 single garages and 2 brick stores
By: Mr David Miller
Application Type: Full Application
Target Date: 26 December 2007

1.0 PROPOSAL

The application site is located to the north of South Lane. It comprises 42 and 44 South Lane, approximately half of the rear garden of 59 The Village and the existing car park of 55 and 57 The Village (primarily the car park of Miller's chip shop).

It is proposed to demolish the semi-detached bungalows (42 and 44) and erect in their place and on land to the west, four detached two-storey dwellings. Each of the houses would have a frontage to South Lane. The land to the north of the proposed dwellings that is currently used as a car park would be re-configured as a smaller car park to serve 55 and 57 The Village and visitors to the take-away uses.

The site is located within the Haxby Conservation Area. The southern boundary of the conservation area runs along the northern edge of South Lane. A Conservation Area Consent application has also been submitted for the demolition of the two dwellings.

Planning History

There is no recent planning history relating to the development of the site for housing. Probably of most significance to the proposal was a planning application in 2001 (01/02253) that related to number 57 (authorised use a pizza shop). The application sought to remove the 1997 unilateral undertaking on the applicants that required them to keep in place arrangements for customers to park their vehicles at the car park to the rear and allow pedestrian access from the rear to the front. The undertaking had a clause giving the Council power to enforce the obligation. In 2001 it was considered that there was not adequate justification to retain the undertaking and the obligation was discharged. As such there is no legal requirement to keep the car park available for customers to number 57.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Haxby 0024

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

2.2 Policies:

CYGP1
Design

CYGP4A
Sustainability

CYGP7
Open Space

CYGP9
Landscaping

CYHE3
Conservation Areas

CYGP10
Subdivision of gardens and infill devt

CYGP15
Protection from flooding

CYH4A
Housing Windfalls

CYH5A
Residential Density

3.0 CONSULTATIONS

3.1 INTERNAL

HIGHWAYS (NETWORK MANAGEMENT) - No objections subject to conditions providing a minimum of 10 parking spaces are provided to the rear of 55-57 The Village.

COUNTRYSIDE OFFICER - No objections.

CONSERVATION OFFICER - The existing dwellings proposed for demolition are of little historical or architectural significance within the context of the conservation area. The layout of the new houses respects the historic form of the site. The dwellings will change the character of this part of the conservation area but it is not considered that the development would be harmful. Variations in the scale and

design of each of the dwellings should reduce the visual impact on the conservation area.

3.2 EXTERNAL

HAXBY TOWN COUNCIL - Object - The development would harm the historic and rural character of Haxby and the Conservation Area, in conflict with the Haxby 2020 Vision Town Plan. The loss of car parking would disadvantage residents living in the vicinity and lead to illegal parking and congestion, the area suffers from flooding and there are concerns in respect to the sewage system. The Council strongly opposed the demolition of the semi-detached bungalows because they are in keeping with the character of the area.

ENVIRONMENT AGENCY - Comments on flooding implications of final scheme awaited.

FOSS INTERNAL DRAINAGE BOARD - No objections to revised proposals of March 2008 as the revised plans show that the site will not discharge to a watercourse.

YORKSHIRE WATER - No objections to revised proposals of March 2008 indicating surface water discharge to public combined sewer at restricted flow of 5 litres/second.

NEIGHBOURS - 16 neighbours have commented on the application. The main issues raised are:

The development will make worse the existing problems with surface water flooding and foul drainage.

Object if the scheme drains to Westfield Beck.

The development has inadequate car parking. The car parking should be retained and enhanced. The development will lead to more on-street car parking and inconvenience.

The development will lead to increased traffic congestion.

The buildings are out of character with the area and will detract from the rural character.

It is wrong to demolish two good homes.

The development could worsen access for people who travel further up South Lane and may lead to more flooding of the lane.

The scheme will lead to the loss of trees.

Overlooking concerns.

The development will improve the appearance of the area.

4.0 APPRAISAL

4.1 Proposals to make better use of brownfield land for residential development accord with the general thrust of local and national planning policy subject to meeting specific criteria. Policy GP1 of the City of York Draft Local Plan sets out criteria for development proposals, including: respect for the local environment: density, layout, scale, mass and design compatible with neighbouring buildings, space and character of the area and provision of adequate amenity space and wildlife habitat. Policy GP10 states that permission for new development will only be granted for the subdivision of existing gardens or infilling where this would not harm the character and amenity of the local environment. Policy H4a generally permits residential development on unallocated land in accessible locations within the urban area where amongst other things it is of an appropriate scale and density to the surrounding development. Policy HE3 states that proposals for demolition and development in conservation areas will only be acceptable where there is no adverse impact on the character and appearance of the area.

4.2 Relevant national guidance includes PPS1: Delivering Sustainable Development, PPS3: Housing and PPG15 Planning and the Historic Environment. Because part of the site is within Flood zone 2 the guidance within PPS25: Development and Flood Risk is of significance.

4.3 The key issues are considered below:

IMPACT ON LIVING CONDITIONS

4.4 Through negotiation units 1 and 2 fronting South Lane have been set further back from the road than the originally submitted plans, resulting in the dwellings being approximately 17 metres away from 9 Headland Close. Given that this house has a good aspect with glazing on each elevation it is not considered that the development would be oppressive or overbearing. The impact of overlooking from the house closest to the garden would be limited as the front elevation at first floor level has been designed with roof lights and an eaves level of less than 4 metres.

4.5 Units 3 and 4 are sited in a similar location to the existing bungalows. Although two-storey it is considered that the separation around the properties to existing adjacent dwellings is adequate to avoid harm. The first floor side opening of unit 4 has been obscure glazed to avoid increased overlooking of the garden and main windows of number 40 South Lane.

QUALITY OF ACCOMMODATION CREATED

4.6 Three of the houses are proposed to contain 4 bedrooms and one is proposed to contain 3 bedrooms. All of the properties also have access to a single garage. It is considered that the standard of accommodation in respect to light and outlook is good. The gardens are small, though adequate to meet the needs of the properties. In respect to living conditions the main concern relates to noise from visitors to the adjoining car park. The impact in respect to units 3 and 4 will be little different from

the existing semi-detached bungalows on site. Units 1 and 2 will be close to the access to a car park and will be impacted upon by the occasional relatively high traffic movement associated with the take-away uses. However, it is not considered that the impact would be so harmful to living conditions to merit refusal. The scheme has been designed with garages acting partly as buffers to the car park and the provision of suitable boundary walls will be conditioned.

IMPACT ON THE STREETSCENE AND CONSERVATION AREA.

4.7 The development is considered to be designed in a way that creates a transition in scale and design between the historic two-storey development of The Village and the post war low-density development of Headland Close and Kennedy Drive. The buildings in the immediate vicinity of the application site have fairly are of limited architectural and historic merit. It is considered that the main historic characteristic is the narrow burghage plots associated with properties facing The Village and the semi-rural character of South Lane. The footprint of the proposed development relates to the existing plot widths. Because the properties have relatively long front gardens with scope for landscaping along the front boundary it is considered that the development will have a relatively understated presence. This will be assisted by the low profile of unit 1 which is located furthest along the lane.

HIGHWAYS AND ACCESS

4.8 The scheme as originally submitted indicated 5 car parking spaces retained for 55/57 The Village, following negotiations the final scheme has indicated 10 car parking spaces along with space for cycles. This is considered an appropriate level of car parking to meet the requirements of the associated uses. Given the concerns raised by residents the site was visited several times to assess the level of parking and traffic movement. It would appear clear that at peak times (largely associated with visitors to the fish and chip shop) there may be more cars using the existing car park than the capacity of the proposed re-configured car park. For example at 12.30 on a Friday lunchtime in February there were 12 cars parked in the car park. However, by 1.35 this had dropped to just 4. On a Friday night in March there were between 10 -13 cars parked in the car park between 5.45 and 7.30. It is the case however that this high level of car parking would seem to be associated with just a small period of the week and at most times the 10 car parking spaces would be more than sufficient to accommodate visitors. For example, between 6.45 - 7.15 on a Tuesday in March only 1 - 3 cars were parked there.

4.9 Bearing in mind Central Government advice in respect to making more efficient use of brownfield sites and reduced emphasis on the private car, it is considered that the proposed decrease in the size of the rear car park could, on balance, be considered acceptable. It is the case that properties in Headland Close and Kennedy Drive generally benefit from off-street car parking and the car park to the rear of Somerfield is only a short walk to the chip shop. Should a small number of people choose to park on South Lane or adjoining roads it is not considered that it would cause such harm to highway safety, or neighbours living conditions to merit refusal. No objections have been raised to the proposal by highways officers.

FLOODING AND DRAINAGE

4.10 The area currently occupied by 42 South Lane is shown as being in Flood Zone 2 and the rest of the site proposed for development within Flood Zone 1 (Flood Zone 3 is the area with the highest risk). From letters and photographs sent in by neighbours it would appear that roads and gardens in the Headland Close area have suffered from flooding. It has been stated that some adjacent properties have suffered in respect to flooding of their houses. Concerns have also been expressed in respect to the capacity of the foul drainage system.

4.11 In response to the issue of locating further homes in the vicinity of an area where flooding and drainage concerns have been expressed the applicant has stated "I have been at this site for more than 20 years and to my knowledge I have never had any problems with flooding on the land or at the rear entrance to 55 The Village or the two bungalows 42, 44 South Lane, which I have owned for over 3 years. The water has always drained away with out any problems. About six years ago there was a very heavy flash rain storm and the drain at the front of the shop did not cope very well. This I reported to Yorkshire water, who after investigation discovered that the drain had collapsed on itself. They repaired the drain and since then I have never had any problems with drainage at the front of 55 The Village".

4.12 The applicant has employed engineers to try and overcome concerns in respect to the development increasing the risk of flooding. This has resulted in a proposal to discharge foul and surface water to the combined public sewer with discharge rates restricted to 5 litres per second using underground storage for surface water. This system is acceptable to Yorkshire Water and would not raise concerns to the Internal Drainage Board given that the water will go the interceptor pumping station in Landing Lane.

4.13 The Environment Agency had previously raised some concerns in respect to flooding and requested that the internal floor levels of the houses are set 300mm above existing ground levels. The Environment Agency have recently been re-consulted in respect to the latest proposals drawn up by the applicant's drainage consultants. Their response will be reported to Committee. It is not considered that a marginal increase in the height of the building that may be needed to accommodate the suggested internal ground levels would create significant additional concerns in respect to neighbours' living conditions.

SUSTAINABILITY

4.14 Policy GP4a of the Draft Local Plan requires the submission of a sustainability statement to demonstrate how the proposal addresses the criteria set out within the policy. In this respect, the applicant's agent makes the following points:

- the site is within easy walking distance of all shops and services in Haxby village centre, from where there are frequent bus services into the centre of York and other parts of the city.
- the proposal would make more efficient use of land, providing four new dwellings to contribute to the housing stock in a convenient and accessible location
- the design is of high quality and will enhance this part of the conservation area
- the design specification will be to current building regulations and best practice, providing a high level of energy efficiency and insulation

- good quality materials will be used, including timber framed high specification double glazed window units
- rainwater harvesting will be incorporated
- the south facing roof pitch will provide an ideal location for photovoltaic cells to produce a domestic electricity supply
- space is provided within the domestic curtilages for storage and collection of refuse and for recycling

A condition will be attached requiring the submission of full Sustainable Design and Construction Statement to demonstrate that the development will achieve a "Very Good" rating under the appropriate code.

SECTION 106 CONTRIBUTIONS

Play/Open space

4.14 The development will result in a net gain of two dwellings. On sites of less than 10 dwellings a commuted sum will be required towards off site provision. Using the Councils guidance on commuted sums for open space that was approved in April 2007 a total contribution of £6,012 would be required for increasing access and provision for children's equipped play space, informal amenity space and outdoor sports facilities.

Education

4.15 The development is below the size threshold for secondary and primary school educational contributions.

Affordable Housing

4.16 The site area and number of homes is below the number at which affordable housing is sought.

5.0 CONCLUSION

5.1 It is considered that the form, design and scale of the development is respectful of its setting within the Conservation Area between the historic and more modern areas of Haxby. The neighbour concerns in respect to parking, traffic movement and the character of the area are recognised. It is considered, however, that the revised proposals satisfactorily address these matters and that the proposed scheme would provide valuable new housing within a location accessible to a range of facilities. At the time of writing this report the final views of the Environment Agency were still being sought. Their comments will be updated to committee. Providing they do not object to the proposals it is recommended that the application be approved.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Recommendation Pending

1 TIME2 Development start within three years

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

Revised Plan 047097/(00)07 'D' received by the Local Planning Authority on 21 April 2008.

Revised Plan 047097/(00)10 'C' received by the Local Planning Authority on 21 April 2008.

Revised Plan 047097/(00)09 'D' received by the Local Planning Authority on 07 May 2008.

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 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials (including window details) 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 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 for the hardsurfacing of the site 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 and reduce surface water run-off.

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 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.

8 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 inserted in the side elevations of Unit 1 and Unit 4 other than those shown on the approved plans.

Reason: To protect neighbours' living conditions.

9 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 first floor window in the eastern elevation of unit 4 shall at all times be obscure glazed to a standard equivalent to Pilkington Glass level 3 or above and remain fixed shut below an internal height of 1.8m.

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

10 No development approved by this permission shall be commenced until a scheme for the on-site storage of surface water and its discharge from the site at a controlled rate has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in its entirety prior to the first occupation of the development and shall be maintained thereafter.

Reason: To prevent the increased risk of flooding and prevent damage to landscaping.

11 Details of finished floor levels of the dwellings shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development. The development shall be implemented in accordance with the agreed details.

Reason: To protect the dwellings from potential flooding

12 HWAY10 Vehicular areas surfaced, details reqd

- 13 HWAY14 Access to be approved, details reqd
- 14 HWAY17 IN Removal of redundant crossing
- 15 HWAY18 Cycle parking details to be agreed
- 16 HWAY19 Car and cycle parking laid out
- 17 HWAY21 Internal turning areas to be provided
- 18 HWAY26 Internal road details to be agreed
- 19 HWAY31 No mud on highway during construction
- 20 HWAY40 Dilapidation survey

21 Unless otherwise agreed in writing with the Local Planning Authority prior to the commencement of any works details shall be agreed in writing with the Local Planning Authority of the resurfacing of the section of South Lane which fronts units 1 and 2 of the development and the agreed works shall be carried out at the developer's expense prior to occupation of the development as a whole.

Reason: In the interests of highway safety.

22 Prior to the commencement of any works, a detailed method of works statement shall be submitted to and agreed in writing with the Local Planning Authority. The statement shall include the precautions to be taken to ensure the safety of the general public, the method of securing the site, access to the site and the route to be taken by vehicles transporting the demolition and construction materials and the hours during which this shall be permitted. The works shall be completed in accordance with the agreed details.

Reason: In the interests of public safety.

23 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interests of satisfactory and sustainable drainage

24 No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development can be properly drained

25 Unless otherwise approved in writing with the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: To ensure that no foul or surface water discharges until proper provision has been made for their disposal.

26 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.

7.0 INFORMATIVES: Notes to Applicant

1. 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

2. 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.

3. The developer should contact Yorkshire Water to oversee and agree the proposed sewer diversion prior to starting work on site and no land drainage should be connected or discharged to the public sewer.

4. 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 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.

Contact details:

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