

COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Acomb
Date: 18 February 2010 **Parish:** Acomb Planning Panel

Reference: 09/02103/OUT
Application at: 76 Beckfield Lane York YO26 5RJ
For: Erection of 4no. two storey town houses after demolition of existing dwelling (resubmission)
By: Mr Sydney Bailey
Application Type: Outline Application
Target Date: 14 January 2010

1.0 PROPOSAL

1.1 No. 76 Beckfield Lane comprises a disused brick and render built bungalow circa 1920 set within a large plot at the junction of Beckfield Lane and Turnberry Drive. Outline Planning Permission is sought for erection of four semi-detached two storey town-houses on the cleared site. Permission was previously sought in respect of the erection of five houses on the site ref: 08/02053/OUT, this was however refused on design, street scene and drainage grounds. The current re-submission has been intended to address the earlier reasons for refusal. Consent is being sought at this stage for the principle of development with all other matters reserved.

1.2 The application has been called-in to sub-committee at the request of Councillor Horton because of the prominence of the site.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

2.2 Policies:

CYGP4A
Sustainability

CYGP1
Design

CYH4A
Housing Windfalls

CYGP10
Subdivision of gardens and infill devt

CGP15A
Development and Flood Risk

CYL1C
Provision of New Open Space in Development

CYH5A
Residential Density

3.0 CONSULTATIONS

INTERNAL:-

3.1 Highway Network Management raise no objection to the proposal.

3.2 Environmental Protection Unit raise no objection to the proposal.

3.3 LifeLong Learning and Leisure raise no objection to the proposal subject to a payment being made in lieu of onsite open space provision in relation to the number of dwellings to be built.

3.4 Learning, Culture and Children's Services raise no objection to the proposal on the grounds of need for contributions to cover educational provision arising the number of dwelling units to be created .

3.5 Structures and Drainage Consultancy raise no objection to the proposal subject to the detail of site drainage being agreed in writing as part of any Reserved Matters submission.

EXTERNAL:-

3.6 Acomb Planning Panel object to the proposal on the grounds that the proposal would represent over-development of a prominent corner site, the design of property proposed would be out of character with the surrounding area and plots 3 and 4 would lie significantly in front of the building line within Turnberry Drive.

3.7 One letter of representation has been received form the owner of an adjoining property. No objection is offered in principle to the proposal but concern is expressed in respect of surface water drainage from the site and the precise relationship of plots 3 and 4 to the adjacent residential properties.

4.0 APPRAISAL

4.1 KEY CONSIDERATIONS:-

- Impact of the proposal upon the visual amenity of the street scene,
- Impact of the proposal upon the residential amenity of neighbouring properties,
- Impact of the proposal upon the local surface water drainage network.

VISUAL AMENITY OF THE STREET SCENE:-

4.2 Policy GP 10 of the York Development Control Local Plan sets a firm policy presumption that planning permission for the sub-division of existing garden areas or infilling to provide new development will only be forthcoming where this would not be detrimental to the character and amenity of the local environment. Similarly Policy H4a sets a firm presumption that permission will be forthcoming on land not previously allocated where the site is within the urban area and is vacant, derelict or otherwise underused and it involves infilling or other redevelopment, the site has good accessibility to jobs, shops and services by non-car modes and it is of an appropriate scale and density to surrounding development. The scheme envisages the erection of four two storey town houses in two semi-detached blocks, one within Beckfield Lane, the other in Turnberry Drive. The location of plots 1 and 2 have been amended to create a more significant setback distance from No 74 Beckfield Lane and to realign the properties closer to the junction with Turnberry Drive. Such a realignment would benefit the residential amenity of 74 Beckfield Lane at the same time as establishing more appropriate visual relationship in street scene terms with the junction. The existing mature hedge scribing the junction with Turnberry Drive would be retained, along with a section of mature hedge fronting plots 3 and 4 allowing sufficient space to create appropriate visibility splays on to Turnberry Drive.

4.3 As previously submitted an additional plot lay at the corner of Turnberry Drive and Beckfield Lane and plots 3 and 4 were substantially in front of the building line of the remainder of the properties in Turnberry Drive. The additional plot has been deleted and plots 3 and 4 realigned so as to lessen impact upon the street scene. Concern continues to be expressed in relation to the divergence of plots 3 and 4 from the general building line in Turnberry Drive, however when combined with the retention of sections of the mature hedge the degree of step forward of the two properties is not felt to have a significant adverse impact upon the wider street scene. To further set the two plots back within the application site would be inappropriate as it would create an adverse visual relationship with the garden of No 74 Beckfield Lane to the detriment of the residential amenity of occupiers of that property. Setting back plots 3 and 4 would also have the effect of securing the front gardens of both properties as the main amenity space for both plots which would not be acceptable in terms of its impact upon the amenity of the occupiers and that of neighbouring properties. In terms of scale, density and general arrangement surrounding conditions are reflected in the layout of the proposal. The terms of Policy GP10 and H4a have thus been complied with in relation to the proposal.

4.4 Policy H5a of the York Development Control Local Plan sets a target density of 40 dwellings /hectare within the urban area outside of the City Centre and establishes a requirement that the scale and design of new residential developments should be compatible with the character of the surrounding area and must not harm local amenity. The density suggested for the proposal at 67 dwellings per hectare

would be consistent with the terms of the policy and whilst bungalows provide the characteristic built form of Turnberry Drive taken as a whole , other than 1 Turnberry Drive the immediate environs of the property are two storied. The application site also has a strong visual relationship with properties in Beckfield Lane and with the reduction in number and realignment of units the scale and character of the development is now considered to be acceptable.

RESIDENTIAL AMENITY:-

4.5 Policy GP1 of the York Development Control Local Plan sets a firm policy presumption that new developments will be expected to respect or enhance the local environment , be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials and ensure that residents living nearby are not unduly affected by overlooking, overshadowing or dominated by overbearing structures. The proposal as submitted consists of two blocks of semi-detached properties set over the site and former garden area of 76 Beckfield Lane. The pattern of residential development surrounding the site is varied with a mix of generally two storey detached and semi-detached properties on Beckfield Lane with two storey detached and semi-detached properties and bungalows on Turnberry Drive. The proposed dwellings would be some 3 metres from 74 Beckfield Lane the closest property to the south and 5.5 metres from No 2 Turnberry Drive the closest property to the west and side facing in both cases. No 1 Turnberry Drive which is a bungalow would be 21 metres away to the north across Turnberry Drive. The application details indicate that there would not be any issue of overshadowing of adjacent properties. Plots 3 and 4 are significantly proud of the building line of No 2 Turnberry Drive but are set off the boundary with no.2. Plots 3 and 4 back on to the rear garden area of No 74 Beckfield Lane ,some 3.4 metres from the boundary at its closest point. The existing 2.5 metre high boundary hedged would be retained which would provide a degree of mitigation. In order to further safeguard the residential amenity of No 74 first floor rear windows in plots 3 and 4 should be conditioned to be obscure glazed and Permitted Development Rights in respect of roof alterations and side openings should be withdrawn . Any overlooking between plot 1 and No 74 Beckfield Lane and plot 4 and No 2 Turnberry Drive would similarly be mitigated by the withdrawal of Permitted Development Rights in respect of side openings. Subject to such conditions to secure the residential amenity of neighbouring properties the development would comply with the terms of Policy GP1 of the Draft Local Plan.

SURFACE WATER DRAINAGE:-

4.6 Policy GP15a of the York Development Control Local Plan sets down a firm policy presumption that developers must satisfy the Local Planning Authority that any flood risk will be successfully managed with the minimum environmental effect and ensure that the site can be developed, serviced and occupied safely. The developer has included some drainage information related to the location of foul and surface water drainage runs and their dimensions . However approval of a full drainage scheme is required prior to Determination of Reserved Matters in order that it can be satisfactorily demonstrated that the local surface water drainage network may cope with the additional flows being input into it. It is therefore recommended that any approval in relation to the current application be conditioned accordingly.

SUSTAINABILITY:-

4.7 Policy GP4a of the York Development Control Local Plan sets a firm policy requirement that new developments such as that currently under consideration should demonstrate that they have given due regard to the principles of sustainable development. This has been reinforced by the recent Interim Policy Statement on Sustainable Construction which requires that all new homes should at least achieve a Code 3 in the BREEAM "Code for Sustainable Homes". The applicant has submitted a detailed Sustainability Statement which outlines that the development would be readily accessible by non-car modes of transport, would retain the existing landscape boundary treatment, would satisfy locally generated housing demand, would minimise the use of non-renewable resources and would reflect the design quality of other recent developments in the vicinity. The submitted information is insufficient to establish that the development would comply with the BREEAM "Code for Sustainable Homes" any approval should therefore be conditioned to secure compliance.

OPEN SPACE CONSIDERATIONS:-

4.8 Policy L1c) of the York Development Control Local Plan sets a firm policy framework requiring the payment of a commuted sum in lieu of open space provision for occupiers of new residential property in respect of developments of less than ten units with the sum assessed on the basis of a formula reflecting local needs. The sum in respect of the current development has been assessed at £8,336 incorporating contributions towards meeting the needs of local play, amenity and sports pitches. The applicant has agreed to make the appropriate contribution.

5.0 CONCLUSION

5.1 76 Beckfield Lane comprises a disused bungalow circa 1920 set within large grounds at the junction of Beckfield Lane and Turnberry Drive. The current proposal seeks Outline Planning Permission for the erection of four two storey semi-detached town houses on the cleared site of the bungalow and its grounds. A previous proposal on the site for five dwellings ref: 08/02053/OUT was refused on the grounds of impact upon the wider street scene and the local drainage network. The current application has been significantly amended from the earlier proposals. It envisages the erection of two semi-detached blocks of two dwellings fronting on to Beckfield Lane and Turnberry Drive. The design, massing and layout of the proposal reflects that of properties in the close vicinity on Beckfield Lane and Turnberry Drive. The properties do stand proud of the building line of Turnberry Drive, however their scale and layout would enable them to blend in with those adjoining. The proposed units would if appropriately conditioned be appropriate for the application site and approval is therefore recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 OUT1 Approval of Reserved Matters
- 2 OUT2 Full details to be submitted
- 3 DRAIN1 Drainage details to be agreed
- 4 HWAY10 Vehicular areas surfaced, details reqd
- 5 HWAY25 Pedestrian visibility splays protected
- 6 HWAY31 No mud on highway during construction

7 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, B , C and 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.

8 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 £8,336.

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.

9 Prior to the commencement of the development hereby authorised, a report demonstrating that the dwelling would comply with the Code for Sustainable Homes Level 3* assessment for the development shall be submitted to and approved in

writing by the Local Planning Authority. The development shall thenceforth be carried out in strict accordance with the approved report.

Reason:- To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction.

10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), any window or other glazed opening in the first floor rear elevations of plots 3 and 4 shall at all times be obscure glazed to a standard equivalent to Pilkington Glass level 3.

Reason:-

In the interests of the amenities of occupants of adjacent residential properties and to secure compliance with Policy GP1 of the York Development Control Local Plan.

11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), no windows shall be inserted at any time into the side elevations of Plots 1 and 4 as hereby approved, other than with the prior written approval of the Local Planning Authority.

Reason:-

To safeguard the residential amenity of neighbouring properties and to secure compliance with Policy GP1 of the York Development Control Local Plan.

12 HWAY18 Cycle parking details to be agreed

13 The existing boundary hedge surrounding the site shall not be removed (except as shown on drawing BDC/MB/08.1B), wilfully damaged or reduced in height below 2 metres without the prior written approval of the Local Planning Authority. Should the hedge be damaged, die back or be removed, details of its replacement should be submitted to the Local Planning Authority within three months of the date of its failure/removal and the affected areas should be replaced within the next planting season and thereafter be so retained.

Reason:-

In Order to preserve the amenity of adjacent properties and to secure compliance with Policy GP1 of the York Development Control Local Plan.

14 NOISE7 - Restricted hours of construction

15 Prior to the commencement of development, full details of a renewable energy strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include (i) the dwelling's proposed renewable energy generation, which shall be at least 5 % of total energy generation (ii) measures to reduce energy demand (iii) measures to reduce CO2 emissions to a level lower than required under Building Regulations Part L. The development shall then be carried out in accordance with the approved assessment.

Reason: To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction

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 impact upon the visual amenity of the wider street scene, impact upon the residential amenity of neighbouring properties and impact upon the local surface water drainage network. As such the proposal complies with Policies GP1, GP4a) , GP10 , GP15a),H4a), H5a) and L1c) of the City of York Development Control Local Plan.

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