

## COMMITTEE REPORT

**Committee:** West/Centre Area  
**Date:** 22 April 2010

**Ward:** Acomb  
**Parish:** Acomb Planning Panel

**Reference:** 10/00159/FUL  
**Application at:** 1 Jorvik Close York YO26 5HB  
**For:** Erection of 3no two storey terraced dwellings (resubmission)  
**By:** Mr Alan Potter  
**Application Type:** Full Application  
**Target Date:** 1 April 2010  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 No 1 Jorvik Close comprises a two storey brick built semi-detached property circa 1930 with a large rear garden set within a prominent site to the east of Beckfield Lane. The proposal envisages the erection of three 2 storey brick built terraced dwellings within the existing rear garden to the north east. The proposal represents a revised resubmission of an earlier application for four dwellings that was withdrawn following concerns expressed in relation to the proposed density of development. The proposal has been further amended and clarified to deal with concerns expressed in relation to the highway aspects of the scheme.

1.2 The proposal has been "called in" for consideration by the West and Centre Planning Sub-Committee by Cllr D. Horton as representing possible over-development of the site.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

Schools GMS Constraints: Carr Infant 0187

2.2 Policies:

CYGP15  
Protection from flooding

CYGP4A  
Sustainability

CYH4A  
Housing Windfalls

CYGP1  
Design

CYGP10  
Subdivision of gardens and infill devt

CYL1C  
Provision of New Open Space in Development

### **3.0 CONSULTATIONS**

#### **INTERNAL:**

3.1 Environmental Protection Unit raise no objection to the proposal;

3.2 Structures and Drainage Engineering Consultancy have been consulted in respect of the proposal, views will be reported orally at the meeting.

3.3 Highway Network Management expressed some concern in respect of the design of the scheme prior to amendment in relation to the dimensions of the parking and access arrangements.

3.4 Lifelong, Learning and Leisure raise no objection to the proposal subject to a commuted payment being made in lieu of on-site open space provision.

#### **EXTERNAL:**

3.5 Acomb Planning Panel raise no objection to the proposal.

3.6 No representations have been received from neighbours of the application site in respect of the proposal.

### **4.0 APPRAISAL**

#### **KEY CONSIDERATIONS:**

##### **4.1**

- \* 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 safety and convenience of highway users;
- \* Impact of the proposal upon the local pattern of surface water drainage;
- \* The provision of off-site open space associated with the development;
- \* Construction of the development according to sustainable principles.

## IMPACT UPON THE VISUAL AMENITY OF THE STREET SCENE:

4.2 Policy H4a) of the York Development Control Local Plan sets a firm policy requirement in relation to housing windfall sites that they should be vacant, derelict or underused and that the proposed development should be of an appropriate scale and density to surrounding development. This is further qualified by Policy GP10 of the Local Plan which indicates that planning permission will only be forthcoming for the sub-division of existing garden areas where this would not be detrimental to the character and amenity of the local environment. The current proposal envisages the erection of a block of three brick built, two storey, three bed roomed properties within the substantial rear garden to 1 Jorvik Close. The site is quite visually prominent occupying a ridge top location visible in views from the east and south east. The site lies at a point of transition between an area of brick built semi-detached houses set within large plots circa 1930 to the south and south west and a densely developed area of brick built terraced properties to the north and north east which the proposed development has been designed to reflect. In terms of its massing and pattern of fenestration the proposal would mirror the earlier development to the south. The development would be some 5.7 metres to the north of 1 Jorvik Close at its nearest point and some 6.3 metres south of the closest property to the north east. Each property would have a front garden averaging 3.2 metres in length and rear gardens up to 8.5 metres in length. The palette of materials chosen would reflect that used in the terraced properties to the north and north east. It is felt that the development would not amount to an overdevelopment of the site and that the terms of Policies H4a) and GP10 of the York Development Control Local Plan would thus be complied with in relation to the proposal.

## IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES:

4.3 Policy GP1 of the York Development Control Local Plan sets a firm policy presumption in favour of new development which respects or enhances the local environment, is 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 would ensure that residents living nearby are not unduly affected by noise disturbance, overlooking, overshadowing or being dominated by overbearing structures. The current proposal envisages the construction of a block of three, two storied properties reflecting their surroundings in terms of their scale, massing and palette of materials. In terms of their relationship to the residential amenity of nearby properties, there are no properties directly to the south-east or north west and to the north there is a distance of 6.3 metres to the boundary of the nearest property with a further garden length of 12.3 metres. 1 Jorvik Close would be some 5.7 metres from the closest point of the nearest property to the north and some 2.5 metres from the site boundary. There would be no windows within the proposed development overlooking 1 Jorvik Close or the residential properties to the north. The retained garden area serving No 1 Jorvik Close would be some 2.4 metres wide and 8.7 metres long at its narrowest point. This would create a similar area of garden space available to other properties to the south and south west and would be acceptable in terms of impact upon the residential amenity of the occupier of the property. The proposal would thus have no adverse impact upon the residential amenity of neighbouring properties and the terms of Policy GP1 of the York Development Control Local Plan would thus be complied with.

## IMPACT UPON THE SAFETY AND CONVENIENCE OF HIGHWAY USERS:

4.4 The application details have been amended to deal with Highway concerns to demonstrate that the individual house plots can be safely accessed by pedestrian and vehicular traffic with covered and secure cycle storage for two cycles within each plot a minimum of 1.8 metres by 0.6 metres in area, the driveway to Plot 1 being a minimum of 3.2 metres in width with the garage entrance a minimum of 2.4 metres wide. Each house plot would have a separate pedestrian access 0.9 metres wide. These dimensions are considered to be acceptable without any material impact upon the safety or convenience of the householders or other road users.

## IMPACT OF THE PROPOSAL UPON THE LOCAL PATTERN OF SURFACE WATER DRAINAGE:

4.5 Policy GP15 of the York Development Control Local Plan sets a firm policy requirement 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 not submitted a full drainage scheme but has indicated a willingness to incorporate a sustainable system as part of the proposal. A suitable alternative outfall exists nearby in the event that this should not prove possible. It is recommended that the details of a full drainage scheme be reserved by condition on any permission.

## THE PROVISION OF OFF-SITE OPEN SPACE ASSOCIATED WITH THE PROPOSAL:

4.6 Policy L1c) of the York Development Control Local Plan sets a firm policy requirement that new residential developments of less than 10 dwelling units should be liable for payment of a commuted sum in lieu of on site open space provision. The applicant has been contacted in respect of this but has not responded. It is therefore recommended that any permission be conditioned to require the making of such a payment by Section 106 agreement.

## CONSTRUCTION OF THE DEVELOPMENT ACCORDING TO SUSTAINABLE PRINCIPLES:

4.7 Policy GP4a) of the York Development Control Local Plan sets a firm policy requirement that all new development residential or commercial should incorporate sustainable principles in its construction including being easily accessible by modes of transport other than the car and minimise the use of non-renewable resources. This has been further clarified by the City's adopted Interim Policy Guidance on Sustainable Construction which requires that new residential developments should at least reach a Code for Sustainable Homes Level 3. The applicant has indicated that the development would be easily accessed by bicycle and is within 5 minutes walk of a main bus route. The construction materials would be sustainably sourced and solar heating arrays for the purpose of heating the domestic hot water system would be incorporated into the roof of each property. On balance the terms of Policy GP4a) would thus be complied with in relation to the proposal and it is recommended that any permission be conditioned to require compliance with the Code for Sustainable Homes Level 3.

## 5.0 CONCLUSION

5.1 1 Jorvik Close comprises a two storey brick built semi-detached house with a large rear garden on a ridge top site to the east of Beckfield Lane Acomb. The proposal envisages erection of 3 No two storey three bedroom houses in a terraced block within the rear garden. The proposed development would closely reflect its surroundings in terms of its scale, massing and palette of materials. The scheme would have a broadly acceptable impact upon the visual amenity of the local street scene and would not give rise to any adverse impact upon the residential amenity of neighbouring properties. The applicant has clearly demonstrated how the development would be erected according to sustainable principles and how pedestrian and vehicular traffic may be safely accommodated within the site. Subject to any permission being conditioned to require the prior approval of a full drainage scheme then the proposal is acceptable in planning terms and approval is therefore recommended.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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

Drawing Refs: 10-100 Rev 1(2 of 5); 10-100 Rev 1(3 of 5) Date Stamped 12th March 2010 ; 10-100 Rev 0(4 of 5) ; 10-100 Rev 0(5 of 5) Date Stamped 3rd February 2010

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 DRAIN1 Drainage details to be agreed

4 VISQ8 Samples of exterior materials to be app

5 VISQ4 Boundary details to be supplied

6 HWAY19 Car and cycle parking laid out

7 HWAY10 Vehicular areas surfaced, details reqd

8 HWAY31 No mud on highway during construction

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

approved in writing by the Local Planning Authority. The development shall thenceforth be carried out in 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 Prior to the commencement of the development hereby authorised, 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 three 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 Buildings 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.

11 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 £6,372;.

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.

12 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 Class A of Schedule 2 Part 1 of that Order shall not be erected or constructed.

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.

## **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 of the proposal upon the visual amenity of the street scene, impact of the proposal upon the residential amenity of neighbouring properties; impact upon the safety and convenience of highway users; impact upon the local pattern of surface water drainage; construction of the development according to sustainable principles and provision of off-site open space. As such the proposal complies with Policies H4a); GP1 ,GP10, L1c) , GP10 and GP 4a) of the City of York Development Control Local Plan.

### **2. 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

### **3. DEMOLITION AND CONSTRUCTION:-**

If as part of the proposed development, any suspect contaminated materials are encountered 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 of 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, then the Council may consider taking action under Part 11A of the Environmental Protection Act 1990.

i) 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.

ii) 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."

iii) 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.

iv) 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.

v) 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.

vi) There shall be no bonfires on site.

**Contact details:**

**Author:** Erik Matthews Development Control Officer

**Tel No:** 01904 551416