

## COMMITTEE REPORT

**Committee:** East Area  
**Date:** 14 June 2007  
**Ward:** Fishergate  
**Parish:** Fishergate Planning Panel

**Reference:** 07/01114/FUL  
**Application at:** Garage Yard Escrick Street York  
**For:** Erection of two storey block of 3no. flats including associated works  
**By:** Aberford Investments Ltd  
**Application Type:** Full Application  
**Target Date:** 11 July 2007

### 1.0 PROPOSAL

1.1 Former builder's yard measuring 0.024 hectares on the north side of Escrick Street, opposite Fishergate Primary School. The site was last used as a builder's yard and has since been cleared. It lies behind residential dwellings in Escrick Terrace.

1.2 The application is based on two identical applications (05/02076/FUL and 06/01568/FUL), both of which were refused. The previous schemes comprised a 3-storey building of one 2-bedroom flat and three 1-bedroom flats. The building would have extended across the width of the site and presented a wide, 9.9m-high, blank facade to the houses in Escrick Terrace. Both applications were refused for having an overbearing and domineering impact on the residents of Escrick Terrace. In all other respects the proposals were acceptable.

1.3 The current proposal is a reduced version of the previous scheme. It comprises a building of three 1-bedroom flats over two storeys. As before, the application includes a drive-through access serving three car parking spaces to the rear. The architectural style and general features are those of the previous applications.

1.4 The two earlier applications were considered by a previous committee in December 2005 and September 2006. The current application is before members at the request of a ward councillor.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Floodzone 2 Flood Zone 2 CONF

Schools Multiple (Spatial)

2.2 Policies:

CYH4A  
Housing Windfalls

CYH5A  
Residential Density

CYGP1  
Design

CYGP4A  
Sustainability

CYT4  
Cycle parking standards

CGP15A  
Development and Flood Risk

CYL1C  
Provision of New Open Space in Development

CYGP5  
Renewable energy

### **3.0 CONSULTATIONS**

3.1 Internal.

The following officer comments are those of the previous application (06/01568/FUL). They apply equally to the current application.

Highways - No objections, subject to highway conditions. The site should be removed from the local Respark zone. The applicant will be expected to pay for the amendment to the traffic regulation order to remove the space and for the scheme to be excluded from the Respark scheme, and any costs encountered in the associated works.

Environmental Protection - No objections. The applicant submitted (with the previous application) a desk top study and site investigation indicating ground contamination that will require remediation by condition. An hours of work condition also should be attached.

UDC (Archaeology) - No objection, subject to archaeological watching brief condition on all groundworks associated with the development..

Structures and Drainage - No objections.

Policy - No objection as long as the proposal satisfies policies E3b, H4a, GP1, GP4a and L1c.

Leisure - As there is no on site open space, commuted off site sums should be paid to the Council for amenity open space (such as New Walk or Walmgate Stray) for play space (Cemetery Road) and sports pitches (within the south zone of Sport and Active Leisure Strategy).

### 3.2 External

Fishergate Planning Panel - No response to date.

Public Consultation - Neighbours were consulted by letter on 17 May and by site notice on 1 June. At the time of writing no comments had been received. Any comments received will be reported to members at the committee meeting.

## 4.0 APPRAISAL

The main issues of relevance to this application are the principle of housing development, housing density, visual impact, sustainability, impact on residents' living conditions, parking, cycle storage, refuse/recycling facilities, flood risk, open space, contaminated land, access and neighbour amenity. All of these issues were considered by the committee when it determined the initial application in December 2005. Members considered that the scheme was acceptable in all respects except for the impact it would have on the occupiers of Escrick Terrace, hence refusal.

The impact of the current application only differs materially from the previous application in respect of neighbour amenity. The reduced number of units enables the building to have a smaller footprint than the previous scheme and to rise to only two storeys. Moreover, the smaller footprint allows the building to be L-shaped, thereby reducing the width of the gable wall facing Escrick Terrace. The currently-proposed wall would be 5.9m wide by 7.2m high, compared to the previous dimension of 12m wide by 9.9m high. These reductions drastically reduce the impact on the occupiers of Escrick Terrace. Officers consider that the current proposal would not have a domineering or overbearing impact on the adjacent occupiers.

Escrick Terrace is already overshadowed during the middle of the day and early afternoon by the large Fishergate school building to the south. Whilst the development would cause some further loss of light to the properties on Escrick Terrace this impact would be limited to the early morning. The proposed development would cause no appreciable light loss in the afternoon and evening. The development is therefore considered to be acceptable in terms of sunlight and daylight. Moreover the development would not cause any direct overlooking. The development would have some benefit to the amenities of neighbours in that it would remove the builders yard use, which if reintroduced (albeit improbably) would be likely to cause noise and disturbance.

Officers consider that the impact on the adjacent residents is now acceptable and that planning permission should be granted.

## **5.0 CONCLUSION**

5.1 The application is acceptable with particular reference to housing provision, housing density, design, visual impact, sustainability, impact on residents' living conditions, parking, cycle storage, refuse/recycling facilities, flood risk, open space, access and neighbour amenity. The application complies with policies H4a, H5a, GP1, GP4a, GP5, T4, GP15a and L1c of the City of York Local Plan Deposit Draft. A developer contribution of £384 would be required for the provision of public open space in accordance with policy L1 of the local plan.

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve

1 TIME2

2 VISQ8

- 3 The development hereby permitted shall be carried out only in accordance with the approved plans numbered 2005/45/13F or any plans or details subsequently agreed in writing by the Local Planning Authority as an 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.

- 4 A site investigation shall be undertaken based upon the findings of the previously-submitted desk study. The investigation shall be carried out in accordance with BS:10175. The results of the investigation shall be submitted to and approved in writing prior to any development of the site.

Reason: To protect the health & safety of workers and future occupants of the site.

- 5 A risk based remedial strategy shall be developed based upon 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 on 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 health and safety of workers on site, occupiers of the site and the integrity of structural components and any proposed underground services.

- 6 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 on site.

Reason: To protect the health and safety of workers on site, occupiers of the site and the integrity of structural components and any proposed underground services.

- 7 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 on site.

Reason: To protect the health and safety of workers on site, future occupiers of the site and the integrity of structural components and any proposed underground services.

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

Reason: To protect the health and safety of workers on site, occupiers of the site and the integrity of structural components and any proposed underground services.

9 NOISE7

10 HWAY9

11 HWAY13

12 HWAY19

13 HWAY21

- 14 No gate, door or window shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

- 15 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: The amendment of Traffic Regulation Order,

Fishergate Respark Zone R20, to exclude this site from qualifying for acceptance in the R20 Respark Zone. The amendment of the Traffic regulation Order, Fishergate Respark Zone R20, to remove that extent of the Respark Zone fronting the vehicular access to this site and replace it with No Waiting 24hrs/7 days

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

- 16 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 7.2m to the ridge, 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.

- 17 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 alternative 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 L1 of the City of York Draft Local Plan.

**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 £384.

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.

- 18 The development shall not be commenced until a BREEAM assessment to 'very good' standard has been submitted to and approved in writing by the local planning authority and the environmental standards shall be implemented and maintained thereafter.

Reason: To ensure that the development is sustainable and accords with policy GP4a of the draft City of York Local Plan.

**7.0 INFORMATIVES:  
Notes to Applicant**

1. 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 housing provision, housing density, design, visual impact, sustainability, impact on residents' living conditions, parking, cycle storage, refuse/recycling facilities, flood risk, open space, access and neighbour amenity. The application complies with policies H4a, H5a, GP1, GP4a, T4, GP15a and L1c of the City of York Local Plan Deposit Draft.

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  
Respark Orders - Alistair Briggs (01904) 551368

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