

COMMITTEE REPORT

Committee: West/Centre Area
Date: 31 July 2007

Ward: Acomb
Parish: Acomb Planning Panel

Reference: 07/01467/FUL
Application at: Rear Of 54 Beckfield Lane York
For: Erection of 8 no. two storey dwellings with associated parking and garaging.
By: Leeper Hare Developments Ltd
Application Type: Full Application
Target Date: 13 August 2007

1.0 PROPOSAL

1.1 The applicant seeks planning approval to erect 8 no. two storey dwellings with associated parking and garaging.

1.2 The application relates to a brown field site which currently houses several small buildings most of which are derelict. The development area is bounded by Hawthorn and conifer hedges, which divide the site from adjoining domestic properties. The site is currently accessed from Beckfield Lane down the side of an old coal yard. The central portion of the site comprises of an un-surfaced yard area, which gives access to the aforementioned buildings.

1.3 Cllr D Horton requested the application to come before the West and City Centre Committee

RELEVANT HISTORY

1.3 07/00760/FULM - Erection of 3 no. Detached and 8no. Semi Detached Two Storey Dwellings with Access of Melander Close - Withdrawn 31.05.2007.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

2.2 Policies:

CYH4A
Housing Windfalls

CYGP1
Design

CYL1C
Provision of New Open Space in Development

CYGP4A
Sustainability

CYH5A
Residential Density

3.0 CONSULTATIONS

3.1 INTERNAL

3.2 Environmental Protection Unit - No Objections - Informative Included.

3.3 Lifelong Leisure and Learning - No Objections.

Commuted Sum is required for sport pitches, monies will be used to improve facilities within the West Zone of the Sport and Active Leisure Strategy.

3.4 Housing and Adult Social Services (Affordable Housing)- Do not support the application.

Recommend that an informative be attached expecting a 50% affordable housing provision on adjoining land owned by the applicant, should it be submitted as a future housing scheme.

3.5 Highway Network Management - Awaiting Comments

3.6 EXTERNAL

3.7 Acomb Planning Panel - Objections

- * To much parking.
- * Damage to the Hedge.
- * Industrial Access would be created.
- * Include some potential conditions.
- * The provision of four detached dwellings with garaging is more appropriate.
- * The development is considered to be "high density".
- * Access should be through the existing access road for all labour, plant and machinery.

3.8 4 letters of objection have been received regarding the applicants' proposals. The letters raise the following concerns.

- * Concerns about development within the blue line boundary (removed from the plans)
- * Loss of Light
- * Loss of Property Value
- * Size of Dwellings
- * Damage to the Hedge

4.0 APPRAISAL

4.1 KEY ISSUES:-

- Planning policy.
- Density/layout/impact on neighbours.
- Highway issues.
- Parking.
- Leisure and open space provision.
- Affordable Housing.
- Sustainability

4.2 Planning Policy Statement 3 'Housing' (PPS3), published in November 2006, came fully into force on 1st April 2007. This states that in deciding planning applications, Local Planning Authorities should have regard to:

- * Achieving high quality housing
- * Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people;
- * The suitability of the site for housing, including its environmental sustainability;
- * Using land effectively and efficiently;
- * Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider objectives.

4.3 H4a - Housing Windfalls: which suggests that a proposals for residential development on land within the urban area would be a acceptable, where "the site is within the urban area and is vacant, derelict or underused or it involves infilling, redevelopment or conversion of existing buildings." However, any development must be of an appropriate design and must be sustainable e.g. good links to jobs, shops and services.

4.4 Policy GP1 'Design' includes the expectation that development proposals will: respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, using materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

4.5 Policy L1 'Provision of Open Space in New Residential Developments' requires the provision of children's playing space, land for outdoor sport and amenity open space to be secured in determining planning applications for 10 dwellings or more.

4.6 GP4a - Sustainability: requires that proposals for development should have regard to the principles of sustainable development including accessibility of the development site by means other than the private car, contributing to the social needs of the community (including housing), high quality design, enhancing local character and making adequate provision for storage and collection of refuse.

DESIGN, LAYOUT AND IMPACT ON NEIGHBOURS

4.7 As submitted the applicant proposes to erect 8 no. three bedroomed, two storey semi detached dwellings giving a density of 30 dwellings per hectare. Policy H5a expects that in urban areas residential densities should generally be greater than 40 dwellings per hectare, however this is dependant on site circumstances and an overarching requirement that densities should be compatible with the surrounding area. In this instance the site boundaries restrict the design configurations available to the applicant. The "dwellings per hectare" provision is considered to be acceptable in this instance as the overall layout in conjunction with the aforementioned density is comparable with properties on modern developments, which border the application site.

4.8 Between 31 to 37.5 metres have been provided from the rear of existing dwellings on Beckfield Lane (located to the east) to the rear elevations of Plots 3 to 8. A provision of 21 metres is generally required between facing two storey elevations, with 10 metres provided between gardens boundaries to protect privacy. All the plots meet the aforementioned requirements and are of a similar design to the surrounding properties (both in terms of height and external characteristics), therefore the visual and residential amenity impact is considered to be acceptable in this instance.

4.9 A distance of 1.75 metres has been provided between plot 3 and the sites northern boundary (shared with No.11, Muirfield Way). This boundary is currently formed by an existing hedge. The proximity of Plot 3 will cause some overshadowing within the garden of No.11, Muirfield Way, at certain times of the day, however the size of the garden and the distances provided to the side and rear elevations of the the aforementioned properties mitigate any significant impact.

4.10 A distance of 2 metres has been provided from the western gable of plot 1 to the western boundary and the rear gardens of No's. 12 and 13, Carnoustie Close. Both of the properties have large rear gardens and although some overshadowing may occur it will along the vegetated boundary and away from the main amenity areas. A distance of 29 metres has been provided between the front elevations of Plots 1 and 2 and rear boundary of 12 Melander Close.

HIGHWAY ISSUES

4.11 Comments from Highway Network Management are currently awaited.

4.12 A new driveway, which should be capable of adoption by the Local Authority will be taken from the the existing adopted Melander Close will service all the dwellings.

4.13 Two parking spaces have been provided for each dwelling, for plots 1 and 2 one of the spaces is garaging. Provisions are in compliance with the maximum standards contained within the Local Plan.

LEISURE AND OPEN SPACE

4.14 Commuted sum payments will be secured by a Section 106 Agreement. In this instance £17,232 will be required from the applicant. All monies will be directed to improve local play area provision and sporting facilities in the West Zone of the Sport and Active Leisure Strategy.

AFFORDABLE HOUSING

4.15 The proposed housing provision and site area fall below the 15 dwellings and 0.3 hectare requirements respectively, as set out in Policy H2a "Affordable Housing" of the Local Plan. Therefore, no affordable housing provision is required in this instance.

4.16 The previous application 07/00760/FULM, which also included adjoining plots of land required some affordable housing provision as it exceeded the 0.3 hectares stated in Policy H2a. This application was withdrawn. Housing and Adult Social Services have requested that an informative is included so consideration is given to affordable housing provision on adjoining plots of land should proposals be submitted for their development.

SUSTAINABILITY

4.17 Although the applicant has not submitted a sustainability statement in accordance with GP4A of the Local Plan. All new dwellings will be subject to the 2006 Building Regulations, therefore they will be substantially more efficient than existing properties within the surrounding street scene.

5.0 CONCLUSION

The applicants' proposals are considered to be acceptable in this instance and are therefore recommended for approval.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2

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

H34.90.01 - Site Plan.

H34.90.02 Rev A - Site Plan as Proposed.

H34.90.03 - House Types.

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.

3 VISQ8

- 4 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 to H 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.

5 NOISE7

- 6 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: To comply with Policy L1C 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 financial contribution towards the off site provision of open space. The obligation should provide for a financial contribution calculated at £17,232.

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.

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 visual/residential amenity and highway

issues. As such the proposal complies with PPS3 and Policies H4a, GP1, H5a and GP4a of the City of York Development Control Draft Local Plan.

2. Demolition and Construction - Informative

If, as part of the proposed development, the applicant encounters any suspect contaminated materials 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 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, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

The developer's attention is 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:

1. 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.	

2. 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".

3. 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.

4. 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.

5. 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.

6. There shall be no bonfires on the site

3. As land adjoining the application site is in the ownership of the applicant, the applicant may be required to provide affordable housing as part of any future

proposals, the requirements of which are set out in Policy H2a of the City of York Development Control Draft Local Plan.

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