

COMMITTEE REPORT

Committee: East Area

Ward: Clifton

Date: 11 October 2007

Parish: Clifton Planning Panel

Reference: 07/01557/FULM

Application at: Burton Garage 49 Shipton Street York YO30 7AU

For: Erection of 10no. two storey terraced dwellings and associated parking after demolition of existing buildings

By: Mr S Whitwell

Application Type: Major Full Application (13 weeks)

Target Date: 17 October 2007

1.0 PROPOSAL

1.1 Erection of 10, 2-storey, 2-bedroom houses in two blocks of five. The houses would be of traditional appearance, with brick facades and slate roofs. Each house would have small rear garden with a cycle store and refuse/recycling facilities. Gross floor area for each house would be 60sqm. 10 car parking spaces would be provided, mainly in a communal parking area. Access would be via an existing access from Shipton Street. The site area is 0.116ha giving a development density of 86dph.

1.2 In December 2006 planning permission was sought for a block of 14 2-bedroom flats. The application is in abeyance pending determination of the current application.

1.3 A committee site visit is to take place at the recommendation of officers to assist in determining the application because the site cannot be adequately viewed from public land.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

2.2 Policies:

CYGP1

Design

CYH4A
Housing Windfalls

CYH5A
Residential Density

CYGP9
Landscaping

CYT4
Cycle parking standards

CYL1C
Provision of New Open Space in Development

CYE3B
Existing and Proposed Employment Sites

CYED4
Developer contributions towards Educational facilities

CYHE10
Archaeology

3.0 CONSULTATIONS

3.1 Internal

Highway Network Management - No objections subject to the developer providing first occupiers with the choice of a free cycle, 12 month bus pass or a years membership of the York City Car Club. Also a contribution of up to £1500 towards traffic regulation orders would be required to limit waiting restrictions in the vicinity of the site

City Development - The provision of 2-bedroom homes in such an accessible location accords with the HMA's approach to meeting housing demand in York. The application does not include a sustainability assessment (since received) and an appraisal of the loss of employment land.

Environment, Conservation, Sustainable Development (Archaeology) - The site is outside the area of archaeological importance but is in an area that has produced evidence for Romano-British and post-medieval activity. An archaeological watching brief should be made a condition of approval.

Environmental Protection Unit - No objections, subject to standard contamination conditions and construction informative.

Lifelong Learning & Leisure - An educational contribution of £32,540 would be required and an open space contribution of £12,420.

3.2 External

Clifton Planning Panel - No objections.

Public Consultation - The consultation period expired on 15 August 2007. Two objections have been received raising the following planning issues: Restricted access; drainage problems; parking; congestion; overlooking; unsympathetic architecture.

4.0 APPRAISAL

4.1 Key Issues

Loss of employment land
Housing use and density
Sustainability
Design and visual appearance
Occupier and neighbour amenity
Parking and highway issues
Public open space
Archaeological impact
Education
Trees and landscaping
Drainage

4.2 The Application Site

Motor repair business comprising single-storey and 2-storey buildings and large areas of hardstanding. The site is bounded by a 1.8m high brick wall. The site is surrounded by 2-storey terraced houses, mostly Victorian. The houses on three of the four sides of the site are separated from the site by narrow vehicular back alleys, which have recently been alleygated.

4.3 Loss of Employment Land

The applicant has supplied no evidence to show that the site is no longer marketable for employment use. However, the site lies within a dense residential area and is unsuitable for intrusive commercial uses. Moreover, inspectors in recent appeal decisions have accepted that some small sites would provide only very limited opportunities for alternative business and employment activity. When added to other material considerations the inspectors have supported the loss of the sites to non-employment uses. Officers consider that the site of the current application is comparable and its loss to non-employment use is acceptable.

4.4 Housing Use and Density

The site is in an unallocated, sustainable location with good access to shops and public transport. Its use for housing is acceptable. Whilst the proposed density (86dph) is high, it is compatible with the character of the surrounding area and easily satisfies policy H5a which seeks to achieve a minimum density of 40dph.

4.5 Sustainability

The site is in a sustainable location within walking distance of local facilities and the city centre. It is also served by frequent public transport. The application includes a sustainable statement, which states that the development would include some standard, energy-efficient measures such as double glazing and low energy lighting. Nevertheless, the developer should be required to submit a sustainable design and construction statement showing that the development would achieve an Ecohomes

'Very Good' rating or the equivalent standard under the Code for Sustainable Homes.

4.6 Visual Appearance

The scale, design, appearance and materials are in keeping with the character of the existing building and the surrounding area.

4.7 Occupier and Neighbour Amenity

Whilst the dwellings are modest in size they each provide two bedrooms, adequate living space and a small rear garden. Distances between the new dwellings and the main facades of surrounding houses is generally 18m, which is comparable with the existing residential area. No part of the development would significantly affect the amenities of nearby residents.

Three of the new dwellings (plots 8-10) would face the gable end of plot 5. Most affected would be plot 9, which would be separated from plot 5 by an average of 6.8m. This is considered acceptable bearing in mind the dense character of the surrounding area.

4.8 Parking and Highway Issues

The current use of the site for car repairs generates traffic. The 10 proposed dwellings are unlikely to lead to a material change in traffic levels and may represent a slight decrease over the existing use.

Access to the site would remain as existing via a narrow adopted road from Shipton Street. In the interests of protecting the visibility at the alley access buildouts are proposed. The buildouts would be constructed under a Section 62 Agreement of the 1980 Highways Act at the cost of the applicant. Officers also consider that there is the need for some limited waiting restrictions to manage the current on street parking around the access point and as such have secured £1500 from the applicants towards such works.

Although the car parking is below maximum standards the applicant has expressed a willingness to provide first occupiers with the choice of a free cycle, 12 month bus pass or a years membership of the York City Car Club. These are part of a package of measures, including reduced parking provision, to reduce dependence on the private car in line with local and national transportation policy. These measures are acceptable bearing in mind the site's sustainable location. Provision of cycle storage should be made a condition of approval.

4.9 Public Open Space.

An open space contribution of £12,420 would be required for the provision of public open space in accordance with policy L1 of the local plan. This has been agreed by the applicant. It would fund: play space at Crombie Ave and/or Burtonstone Lane Community Centre; amenity space at Clifton Green, Wigginton Rd allotments and/or Bootham Stray; and sport facilities within the North zone of the sports and active leisure strategy.

4.10 Archaeological Impact

The site is outside the area of archaeological importance but is in an area that has produced evidence for Romano-British and post-medieval activity. An archaeological watching brief should be made a condition of approval.

4.11 Education

An educational contribution of £32,540 would be required to fund two places at Canon Lee School.

4.12 Trees and Landscaping

The opportunities for landscaping are relatively limited bearing in mind the character of the site and the area. Nevertheless such works would help to soften the relatively hard character of the immediate surroundings. Submission of landscaping details should be made a condition of approval.

4.13 Drainage

The area is supplied by mains drainage, which should be adequate for the development. Submission of drainage proposals within the site should be made a condition of approval.

5.0 CONCLUSION

5.1 The application is acceptable in terms of loss of employment land, housing density, sustainability, visual impact, impact on residents' living conditions, open space, education facilities, archaeological impact and highway issues. The application would require an educational contribution of £32,540, an open space contribution of £12,420 and up to £1,500 towards the cost of amending a traffic regulation order.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out only in accordance with the approved plans numbered 05:55:40 rev.A, 05:55:41 and 05:55:42 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 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 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.

4 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 8.5 metres, 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.

5 No development shall commence unless and until a scheme to ensure the provision of adequate additional foundation and secondary school places within the local catchment area has been submitted to and approved by the local planning authority.

Reason: The education provision within the catchment area of the development has insufficient capacity to take more pupils, such that additional places are required in the interests of the sustainable development of the city in accordance with Policy C6 of the City of York Draft Local Plan and the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated January 2005.

INFORMATIVE:

The provisions 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, The obligation should provide for a financial contribution calculated at £32,540. The basis for this calculation is contained within the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated January 2005.

No development can take place on this site until the condition has been discharged and you are reminded of the Local Planning Authority's enforcement powers in this regard.

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: 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 £12,420.

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 VISQ8 Samples of exterior materials to be app

8 Notwithstanding the approved plans no development shall take place until details (including location, dimensions and materials) of refuse/recycling enclosures for the proposed dwellings on the site have been submitted to and approved in writing by the local planning authority. The enclosures shall be provided in accordance with the approved details before the dwelling hereby approved are occupied, retained and used for no other purpose except with the written consent of the local planning authority.

Reason: In the interests of sustainability and visual amenity.

9 Prior to occupation the developer shall provide first occupiers free of charge with the choice of (a) a free cycle, (b) local bus pass valid for one year or (c) a one-year membership of the York City Car Club.

Reason: In the interests of sustainable travel.

10 HWAY9 Vehicle areas surfaced

11 HWAY18 Cycle parking details to be agreed

12 The buildings shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

13 HWAY21 Internal turning areas to be provided

14 HWAY31 No mud on highway during construction

15 The development hereby permitted shall not come into use until the build out on Shipton Street (which 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.

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

16 HWAY40 Dilapidation survey

17 DRAIN1 Drainage details to be agreed

18 At the earliest available opportunity, and in any event prior to completion of the development, the developer shall submit a completed Sustainable Design and Construction statement for the development. The developer shall aim to achieve an Ecohomes 'Very Good' rating or the equivalent standard under the Code for Sustainable Homes and if this is not achieved the developer shall demonstrate the changes that will be made to the development in order to achieve this standard.

Reason: In the interests of sustainable development and protection of the environment.

19 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme including boundary treatment and hard landscaping materials and 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: In the interests of the conservation area and so that the Local Planning Authority may be satisfied with the overall appearance and the variety, suitability and disposition of species within the site.

20 ARCH2 Watching brief required

21 A desk study shall be undertaken in order to identify any potentially contaminative uses which have or are currently occurring on the site. This shall include a site description and a site walkover and shall be submitted to and approved by the local planning authority prior to commencement of development of the site. This should, where possible date back to 1800

Reason: To protect human health and the wider environment

22 A site investigation shall be undertaken based upon the findings of the desk study. The investigation shall be carried out in accordance with BS10175: Investigation of potentially contaminated land: code of practice. The results of the investigation shall be submitted to and approved by the local planning authority in writing prior to any development commencing on the site.

Reason: To protect human health and the wider environment

23 A risk-based remedial strategy shall be developed based on 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. 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 human health and the wider environment

24 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 human health and the wider environment

25 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 of the site.

Reason: To protect human health and the wider environment

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

Reason: To protect human health and the wider environment

27 All fuel tanks and any associated pipework shall be removed from site in accordance with the Health and Safety Guidance Note 41 - Petrol filling stations: Construction and Operation and in full consultation with City of York Council petroleum officers. A method statement and remedial strategy shall be submitted to and approved by the local planning authority prior to the commencement of this work.

Reason: To protect human health and the wider environment

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 loss of employment land, housing density, sustainability, visual impact, impact on residents' living conditions, open space, education facilities, archaeological impact and highway issues. The application therefore complies with policies GP1, GP4a, H4a, H5a, T4, E3b, ED4, HE10 and L1c of the City of York Local Plan Deposit Draft.

2. 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 62 - Michael Kitchen - (01904 551336)

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