

COMMITTEE REPORT

Date: 5 January 2017 **Ward:** Heworth Without
Team: Major and **Parish:** Heworth Without Parish
Commercial Team Council

Reference: 16/01644/FUL
Application at: 4 Whitby Avenue York YO31 1ET
For: Erection of 1no. dwelling to land to side of 4 Whitby Avenue
By: Ms Beth Moulam
Application Type: Full Application
Target Date: 6 January 2017
Recommendation: Approve

1.0 PROPOSAL

1.1 No.4 Whitby Avenue comprises a two storey brick built semi-detached house dating from the early 20th Century with a large side garden to the north, lying to the east of the City Centre. Planning permission is sought for the erection of a four bed room detached house within the side garden adapted to meet the particular needs of the daughter of the occupier of No 4. The proposal has been amended during the course of processing in respect of the design of the northern side elevation and the design of the proposed detached home office.

1.2 Councillor Nigel Ayre has "called in" the application for consideration at Committee on account of concerns in relation to the impact upon the residential amenity of neighbouring properties, the visual amenity of the wider street scene, the usage of the proposed detached home office and impact upon trees of some townscape importance.

2.0 POLICY CONTEXT

2.1 Policies:

CGP15A Development and Flood Risk
CYGP1 Design
CYGP10 Subdivision of gardens and infill devt
CYE10 Working from home
CYNE1 Trees, woodlands, hedgerows

3.0 CONSULTATIONS

INTERNAL:-

Public Protection:-

3.1 No objection to the proposal subject to any permission being conditioned in respect of the treatment of unexpected land contamination and the provision of an electrical vehicle recharge point.

Planning and Environmental Management (Archaeology):-

3.2 No objection to the proposal subject to the undertaking of an archaeological investigation due to the proximity of a major arterial Roman Road into the City Centre.

Highway Network Management:-

3.3 No objection to the proposal subject to the vehicle and cycle parking on site being provided prior to the building being first occupied.

Flood Risk Management:-

3.4 Any comments will be reported verbally.

EXTERNAL:-

Heworth (Without) Parish Council :-

3.5 No objection to the proposal.

The Foss (2008) Internal Drainage Board:-

3.6 No objection in principle to the proposal but raise concern in respect of the potential to increase surface water run off rates from what is effectively a Green field site. It is therefore recommended that any permission be conditioned to require the submission and prior approval of a detailed surface water drainage scheme.

Yorkshire Water Services:-

3.7 No comments received.

Neighbour Notification and Publicity:-

3.8 23 letters have been received from 6 objectors in respect of the proposal. The following is a summary of the planning issues raised:-

- Concern in respect of the scale of the development relative to properties in Stockton Lane;
- Concern in respect of the loss of light to the rear gardens and yards of properties in Stockton Lane;

- Concern in respect of increased on-street parking around the shared access with properties in Stockton Lane;
- Concern in respect of impact upon the visual amenity of the wider street scene by virtue of the alien, out of character design for the proposed property relative to the simple character and proportions of the adjacent Edwardian properties;
- Concern in respect of adverse impact upon the residential amenity of adjoining properties by virtue of overlooking and loss of privacy;
- Concern in respect of loss of trees of townscape value from the site;
- Concern in respect of the loss of amenity for neighbouring properties arising from the use of the garden office;
- Concern in respect of an increased volume of comings and goings from the application site;
- Concern in respect of the impact upon residential amenity arising during the construction of the property within a physically tight site;
- Concern that the suggested level of accommodation is excessive for the needs of the applicant and that a single storey property would be more appropriate.

4.0 APPRAISAL

KEY CONSIDERATIONS

- Impact upon the visual amenity of the wider street scene;
- Impact upon the residential amenity of neighbouring properties;
- Impact upon the safety and convenience of highway users;
- Loss of trees of townscape value;
- Impact of the proposed home office;
- Impact upon the local pattern of surface water drainage.

STATUS OF THE YORK DEVELOPMENT CONTROL LOCAL PLAN

4.1 The York Development Control Local Plan was approved for Development Control purposes in April 2005; its policies remain a material consideration in respect of Development Management decisions although any weight is limited except where in accordance with the National Planning Policy Framework.

IMPACT UPON THE VISUAL AMENITY OF THE WIDER STREET SCENE

4.2 Policy GP1 of the York Development Control Local Plan sets out a clear policy presumption in favour of new development which respects or enhances the local environment and is of a density, layout, scale and massing that is compatible with neighbouring buildings, spaces and the character of the area. Policy GP10 states that planning permission will only be granted for the sub-division of existing garden areas (or plots) or infilling, to provide new development, where this would not be detrimental to the character and amenity of the local environment.

The application site comprises a two storey brick and render built semi-detached Edwardian dwelling house with a substantial north side garden. The proposal seeks planning permission to erect a detached two storey four bedroom within the side garden which would be constructed to meet the needs of the applicant who is disabled. The range and layout of accommodation therefore differs from that within a standard dwelling. In terms of width and overall dimensions the garden is an equivalent size to a standard building plot in the locality. The new building would be two storeys in height although with a significantly lower ridge height than the adjacent properties in Whitby Avenue and would extend back at full height a substantial distance from the road frontage. A palette of materials involving a mix of render and brick to match that of surrounding properties is envisaged. The pattern and design of the fenestration would reflect that of the adjacent properties and solar panels would be mounted on the eastern facing Whitby Avenue elevation of the property.

4.3 Objections have been received in respect of the treatment of the long side wall elevation facing properties directly to the north along Stockton Lane and clearly visible to traffic entering Whitby Avenue from Stockton Lane to the north east. The lengthy mass of two storey building creates a need for a degree of differentiation in its treatment and the design has been amended on two occasions in order to break up the mass and provide a degree of visual interest. The ground floor is envisaged to be blank and executed in brick but to be planted with climbing plants to create a partial green wall. The first floor would be rendered with obscure glazed windows lighting a series of bathrooms and a utility room. A small domestic scale lift would be provided rising to roof level with its own gabled roof. A series of four velux roof lights would be provided above the principal upper floor living spaces and a brick detail string course would separate the rendered and pure brick work elements of the elevation.

4.4 Detailed sectional drawings demonstrate that whilst the two storey rear element of the proposal is longer and closer to the site boundary than other similar sites in the locality it is at the same time significantly lower in scale and it is felt that the amended elevational treatment would address the concerns in terms of impact upon the visual amenity of the street scene.

4.5 The plot retained for the existing house would be broadly similar in size to other Edwardian semi-detached houses in the street and the development would not appear cramped or out of character with the existing pattern of development.

IMPACT UPON RESIDENTIAL AMENITY

4.6 Central Government Policy as outlined in paragraph 17 of the National Planning Policy Framework indicates that Local Planning Authorities should give significant weight to the maintenance and provision of a good standard of amenity for all new and existing occupants of land and buildings.

Serious concern has been expressed in terms of the impact of the proposal upon the residential amenity of neighbouring properties specifically those directly to the north along Stockton Lane. Concern focuses in respect of two areas, over-shadowing of rear gardens with over-looking and loss of privacy and harm to amenity through increased volumes of comings and goings along the rear access track. Five properties face on to the access track from Stockton Lane. The closest property would be some 16 metres from the side elevation of the proposal with three of the five properties having garages or other substantial garden buildings giving a degree of shelter from overlooking from the application site. Furthermore the property at the junction of Stockton Lane and Whitby Avenue comprises a guest house whose rear area is used as a car park with itself a highly variable pattern of usage. The side elevation of the property has been specifically designed to ensure that no windows will be able to overlook the adjacent properties and will be fixed and obscure glazed. The proposed roof lights will at the same time be located above head height and so would not give rise to an issue of over-looking. The amenity area associated with the proposed dwelling would at the same time be to the south west facing the existing property at No 4. No harm to the amenity of neighbouring properties would therefore arise.

4.7 The garage associated with the proposed property would be accessed from the existing shared access drive directly to the north. Concern has been expressed in terms of harm to amenity through increased levels of comings and goings through the access track. However, the drive is currently used by the existing property as a vehicular access and the application details indicate a modest increase usage associated with the support staff to the applicant which would not give rise to any material harm to the amenity of neighbouring properties. The proposal is therefore felt to be acceptable in terms of its impact upon the residential amenity of neighbouring properties.

IMPACT UPON THE SAFETY AND CONVENIENCE OF HIGHWAY USERS

4.8 The application details include parking space for the applicant, a retained parking space for 4 Whitby Avenue and a third parking space to be used by a visitor or member of staff for the applicant. Cycle parking space in accordance with the adopted standards would be included on site for staff and visitors. Concern has been expressed in relation to the volumes of traffic using the shared vehicular access drive together with the potential for additional on-street parking associated with the proposal. Whilst at peak times there is an issue of on-street parking in the surrounding area in connection with the local primary school. The level of additional parking and additional vehicle movements anticipated would be modest and it is felt that there will not be a significant impact on the safety and convenience of highway users on the local highway network

LOSS OF TREES OF TOWNSCAPE VALUE

4.9 The application site includes a semi-mature holly tree, a number of fruit trees and a mature tree at the site boundary. Objections have been expressed in respect of the loss of trees of townscape value. The proposed work would result in the loss of a proportion of the landscaping however none of the specimens present is felt to be of sufficient merit in terms of the character of the site or the wider townscape as to warrant being the subject of a Preservation Order with a view to them being retained. Replacement planting is proposed in the forecourt of the new house which would be similar to other houses in the street.

IMPACT OF THE PROPOSED HOME OFFICE

4.10 Concern has been expressed in relation to the impact of the operation of the proposed home office upon the amenity of the occupiers of neighbouring properties. The home office would be a single storey timber clad structure to be used by the applicant together with a member of staff in order to undertake her business. It would not involve large numbers of comings and goings and would not involve the employment of significant numbers of staff rather it would be domestic in scale and ancillary to the main residential use of the site. Any impact upon amenity would therefore be minimal.

IMPACT UPON THE LOCAL PATTERN OF SURFACE WATER DRAINAGE

4.11 The application site lies within Flood Zone 1 and so has the lowest defined risk of flooding from riparian sources. However, concern has previously been expressed in relation to other developments in the locality in relation to localised surface water flooding after heavy rainfall events. The applicant has submitted a detailed attenuation scheme including calculations covering a range of scenarios. It is felt that the proposed scheme is acceptable and would cater for the likely outfalls without increasing flood risk for other properties in the locality.

5.0 CONCLUSION

5.1 No 4 Whitby Avenue comprises a two storey brick built semi-detached house dating from the early 20th Century with a large side garden to the north, lying to the east of the City Centre. Planning permission is sought for the erection of a four bedroom detached house within the side garden adapted to meet the particular needs of the daughter of the occupier of No 4.

5.2 The proposal has been substantially amended since submission in respect of the treatment of the north side elevation and this is now felt to be acceptable in terms of its impact upon the visual amenity of the wider street scene. Notwithstanding the concerns expressed it is felt that the amended design would not result in a materially adverse impact upon the residential amenity of adjoining properties.

It is not felt that there would be a material increase in traffic arising from the proposal to the detriment of the safety and convenience of highway users and it is felt that the proposed garden office would be used for purposes ancillary to the main dwelling. The proposal is considered to be in accordance with the NPPF and policies GP1, GP10 and NE1 of the Draft Local Plan 2005.

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: - M2W 31A; M2W05 E; M2W 08F; M2W23; M2W24; M2W 20D; M2W 21 D.

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 any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development above foundation level. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

4 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the construction of the development commences above foundation level and shall be provided in accordance with the approved details before the development is occupied.

Reason: In the interests of the visual amenities of the area and the amenities of neighbouring properties.

5 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (an archaeological excavation and subsequent programme of analysis and publication by an approved archaeological unit) in accordance with the specification supplied by the Local

Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The development will affect important archaeological deposits which must be recorded prior to destruction.

6 Trees shown as being retained on the approved plans shall be protected in accordance with BS: 5837 Trees in relation to construction.

Before the commencement of development, including demolition, building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing; phasing of works; site access for demolition/construction and methodology; type of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading); parking arrangements for site vehicles; locations for storage of materials; locations of utilities. Details of existing and proposed levels and surfaces shall also be included.

The protective fencing line shall be adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, mechanical cultivation or deep-digging, parking or maneuvering of vehicles; there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, or pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscape works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

Reason: To ensure protection of existing trees before, during and after all aspects of development including ground works which are covered by a Tree Preservation Order and/or make a significant contribution to the amenity of the area.

7 PD5 No openings in side elevation

8 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (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 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 2015.

9 Prior to the development commencing above foundation level details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

10 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) 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.

11 No development the subject of this permission shall be commenced above foundation level until the Local Planning Authority has approved a scheme for the provision of surface water drainage works for the development site. The scheme shall thenceforth be implemented to the reasonable written satisfaction of the Local Planning Authority before the development is first brought into use.

Reason: - To ensure that the development is provided with satisfactory means of surface water drainage whilst reducing the risk of flooding to the surrounding area.

12 LC4 Land contamination - unexpected contam

13 EPU1 Electricity socket for vehicles

14 LAND1 New Landscape details

15 NOISE7 Restricted hours of construction

7.0 INFORMATIVES: Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- i) Sought a redesign of the north facing elevation adjacent to properties in Stockton Lane;
- ii) Sought clarification in respect of the rights of access from the property to the adjacent access drive
- iii) Sought clarification in respect of the required range of accommodation;
- iv) Sought clarification in respect of the proposed usage of the garden office.

2. HIGHWAY WORKS:-

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:

Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

3. CONTROL OF POLLUTION ACT 1974:-

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 adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) 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.

(b) 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".

(c) 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.

(d) 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.

(e) 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.

(f) There shall be no bonfires on the site

Contact details:

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