

EXTERNAL

Haxby Town Council

3.3 No objections.

Foss Internal Drainage Board

3.4 The site is in an area where drainage problems could exist. Development should not be allowed until the local planning authority is satisfied that surface water drainage has been satisfactorily provided for. No objections to the principle of this development but the applicant should clarify the drainage strategy to enable an evaluation to be undertaken in terms of flood risk. Any approval should include conditions regarding submission of drainage details including attenuation and proof of the suitability of any soakways.

Yorkshire Water

3.5 No comments to make.

Neighbour Notification and Publicity

3.6 Four objections to the application as initially submitted have been received from local residents. Since then significant changes have been made to the proposed building's design and prominence. The objections raise the following planning issues:

- The house would be too large/high/prominent
- Out of keeping with character of the area
- Overlooking/loss of privacy
- There is no justification for such a large house
- Permitted development rights should be removed.

4.0 APPRAISAL

MAIN ISSUES

- Use for housing
- Scale and design
- Access and parking
- Neighbour amenity

PLANNING POLICY CONTEXT

4.1 The City of York Draft Local Plan was approved for Development Management purposes in April 2005. It does not form part of the statutory development plan but its policies are considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are consistent with those in the NPPF. Local plan policies that remain relevant to the current application are listed at paragraph 2.2 of this report.

4.2 The NPPF is the most up-to date representation of key relevant policy issues and it is against this Framework that the proposal should principally be addressed. The essence of the Framework is the presumption in favour of sustainable development which, for decision-taking, means approving without delay development proposals that accord with the development plan. Where, as in this case, the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole unless specific policies in the Framework indicate that development should be restricted. No such policies apply in to this application.

APPLICATION SITE

4.3 Extended bungalow with linked double garage. The bungalow is one of a row of three dwellings that share an unusually large landscaped rear garden, which includes a small lake. Access is from York Road, a major distributor road. The area is predominantly residential.

USE FOR HOUSING

4.4 The NPPF requires local planning authorities to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities (section 6). The site is in a sustainable location, within the settlement limit of York and with good access to shops and public transport. The application therefore complies with housing policies in the NPPF. As the existing dwelling on the site would be demolished there would be no increase in the city's housing stock.

SCALE AND DESIGN

4.5 Section 7 of the NPPF requires good design. Paragraph 56 says good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Permission should be refused for poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (paragraph 64).

4.6 The design of the house would be contemporary. The main part of the house would be two storeys high and measure approximately 21m x 9m x 5.3m to the eaves and 8m to the ridge. Part of the roof would comprise a forward-facing gable rising a further 1m (to 9m high). Part of the front of the house would be single-storey with a flat roof. There would be a single-storey flat-roofed projection (7m x 2.7m) at the southern end. Materials would mainly comprise brickwork and white render. The front entrance would have an open-sided canopy with the soffit finished in timber. If permission is granted, submission of samples of materials should be made a condition.

4.7 The design has changed significantly since the application was first submitted. The previous design had a larger footprint and included an attached, flat-roofed double garage in front of the main building line of the house. Its position would have been in front of the general building line of this part of York Road. The adjacent building at No.109 York Road protrudes beyond the general building line but is an historic anomaly; the building predates most of the housing in this part of York Road and its position relative to the established building line should not determine future development. The proposed garage has since been relocated to within the main body of the building. Apart from the open-sided entrance canopy no part of the dwelling as amended would be in advance of the established building line of this part of York Road.

4.8 The proposed house would be significantly bigger and higher than the bungalow that it would replace but the main ridge would not be higher than the adjacent house to the north (No.105) and would be slightly lower than the house to the south (No.109). Bearing in mind: the proposed building's main road location; its set-back from the public highway; and the height and massing of the other buildings in the vicinity of the site; the proposed house would not be out of keeping with the street scene. As for the contemporary design, the site is not in a conservation area and there is a variety of building styles in the vicinity. No.105 is contemporary while the houses opposite appear to be interwar and No.109 is much older. The design and materials of the proposed house are therefore acceptable. In short, the scale, design and appearance would be in keeping with design policies in the NPPF.

NEIGHBOUR AMENITY

4.9 A core planning principle of the NPPF is to always seek to secure high quality design and a good standard of amenity for existing and future occupants. Paragraph 9 seeks to improve the conditions in which people live. Policy GP1 of the 2005 local plan states that development proposals will be expected to ensure that residents living nearby are not unduly affected by, among other things, overlooking, overshadowing or dominated by overbearing structures. The front elevation of the dwelling would be approximately 35m from the houses on the opposite side of York Road. The occupants of those houses would not suffer from any significant harm from overlooking, particularly bearing in mind the intervening public highway. The separation distance is also sufficient to prevent a material overbearing impact from

the new building, compared to the existing single-storey dwelling. The proposed house would be much closer to the adjacent houses at nos 105 and 109 but the elevations facing these houses would have no upper floor windows other than high level obscure-glazed windows to en-suite bathrooms. No.105 has one window facing the application site but this is high level and obscured. No.109 has habitable room windows that face the application site but these would be at least 10m from the facing elevation of the proposed house. A condition should be attached requiring any other upper-floor windows below 1.7m high and facing No.109 to be fixed shut and obscure-glazed.

4.10 There would be no other material impacts on neighbouring occupiers. The application raises no issues that would justify removal of permitted development rights.

HIGHWAY SAFETY, TRAFFIC AND PARKING

4.11 The vehicular access would be from York Road as existing. Sightlines are satisfactory. Sufficient space would be available within the garage for cycle storage. Traffic movements from the new dwelling are unlikely to be materially different from existing. Provision should be made within the site for the charging of an electric powered vehicle.

FLOOD RISK AND DRAINAGE

4.12 Paragraph 100 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. The site lies in low-risk flood zone 1 and is unlikely to suffer from river flooding. The application states that there would be no increase in surface water runoff but it is unclear how this would be achieved. The internal drainage board has no objection in principle to the application. Submission of drainage details should be made a condition of approval.

5.0 CONCLUSION

5.1 The replacement dwelling is considered to be acceptable in principle and to be of a scale and design that would not harm the appearance of the streetscene. Furthermore, subject to conditions, there would be no significant impact on residential amenity in terms of loss of outlook, privacy or daylight. The application accords with the national planning policy in the NPPF and relevant policies of the 2005 City of York Draft Local Plan.

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 approved plans numbered HAX.P.002A, HAX.P.003A, HAX.P.005A, HAX.P.006A, HAX.P.007A, HAX.P.008A, HAX.P.009A, HAX.P.010A, HAX.P.011A and HAX.P.020.

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 Samples of exterior materials to be app

4 Any upper-floor windows on the southern elevation of the house shall be (i) obscure-glazed and (ii) non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Reason: In the interests of the amenities of occupiers of the adjacent residential dwelling at No.109 York Road.

5 Prior to first occupation of the development the applicant shall install within the curtilage of the proposed dwelling a three-pin 13-amp electrical socket in a suitable position to enable the recharging of an electric vehicle within the curtilage using a 3m length cable.

Reason: To promote sustainable transport through the provision of recharging facilities for electric vehicles

NOTE: Any socket provided must comply with BS1363, or an equivalent standard, Building Regulations, and be suitable for charging electric vehicles. The socket for the proposed dwelling should be suitable for outdoor use and have an internal switch within the property to enable the socket to be turned off.

6 Notwithstanding the approved plans no development shall take place until details of the proposed means of surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site. The details are required prior to start of construction to ensure that the development does not inhibit the proper drainage of the site.

7 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 implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) by seeking solutions to problems identified during the processing of the application. In order to achieve an acceptable outcome the local planning gave pre-application advice, sought revisions to the scale, design and prominence of the dwelling and attached appropriate conditions to the planning permission.

2. DRAINAGE DETAILS

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuDs). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided i.e. witnessed by CYC infiltration tests to BRE Digest 365 to discount the use of SuDs.

If the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to accept surface water discharge, and to prevent flooding of the surrounding land and the site itself. The BRE Digest 365 test should be witnessed by City of York Council's Flood Risk Management Team.

If SuDs methods can be proven to be unsuitable then in accordance with City of York Council's Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. If existing connected impermeable areas are not proven a greenfield run-off rate based on 1.4 l/sec/ha shall be used.

Surface water shall not be connected to any foul/combined sewer, if a suitable surface water sewer is available.

The applicant should provide a topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

3. DEMOLITION AND CONSTRUCTION

a. All demolition and construction works and ancillary operations, including deliveries to and dispatch 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 5228-1:2009 + A1:2014 and BS 5228-2:2009 + A1:2014, a code of practice for "Noise and Vibration Control on Construction and Open Sites".

c. Best practicable means shall be employed at all times in order to minimise noise, vibration, dust, odour and light emissions.

d. 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.

e. There shall be no bonfires on the site.

f. In the event that contamination is found at any time when carrying out the approved development, the findings must be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment must be undertaken and where remediation (clean-up) is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing 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 2A of the Environmental Protection Act 1990.

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