

COMMITTEE REPORT

Date: 5 October 2017 **Ward:** Haxby and Wigginton
Team: Major and **Parish:** Haxby Town Council
 Commercial Team

Reference: 17/01697/FUL
Application at: 87 Greenshaw Drive Haxby York YO32 3DD
For: Erection of 3 bedroom dwelling and associated vehicular access
By: Mr Steve Flint
Application Type: Full Application
Target Date: 1 September 2017
Recommendation: Approve

1.0 PROPOSAL

1.1 The application site is the side garden of a semi detached three bedroom dormer bungalow. It is located on a housing estate in Haxby. Immediately to the west of the site is Headland Lane. This is a broad pedestrian track that runs through the village.

1.2 The site is not located in a conservation area or close to any protected trees. It is in Flood Zone 1 (low risk).

1.3 It is proposed to erect a three-bedroom two-storey dwelling in the existing side garden. It would have a traditional pitched-roof design. It was originally proposed to erect a larger four-bedroom dwelling, however, this has been superseded by the current proposals. Revisions have also been received clarifying boundary treatments and areas proposed for car parking and amenity space. The host dwelling would retain the garden immediately to its front and rear as well as the drive to the side.

1.4 The application is brought to Committee at the request of Cllr Cuthbertson. The reasons relate to the issue of the relationship of the site with Headlands Lane which is a long established farm track going back to the 1800's.

PLANNING HISTORY

1.5 In 2016 an application was submitted (16/01200/FUL) for the retention of a 1.8m high fence that had been erected on/adjacent to the lane. The works created a larger side garden for the host property. The application was withdrawn and the fence subsequently removed. The applicant has indicated that the existing side (western) fence that is now in place accords with the original defined side curtilage

of the property that existed prior to the fence subject to the 2016 application being erected.

2.0 POLICY CONTEXT

2.1 Draft York Local Plan (2005 4th set of changes) relevant policies include:

CYGP1 - Design

CYGP10 - Subdivision of gardens and infill development.

CYH4 - Housing development in existing settlements

CYGP15 - Protection from flooding

2.2 Pre-Publication Draft Local Plan (2017)

DP2 – Sustainable Development

D1 – Place making

ENv4 – Flood Risk

3.0 CONSULTATIONS

INTERNAL

Public Protection

3.1 No objections subject to condition requiring the provision of car re-charging point and consideration of contamination.

Flood Risk Management

3.2 No objections. Issues regarding drainage and flood risk can be dealt with by condition.

EXTERNAL

Internal Drainage Board

3.3 Would object to run-off increasing to existing watercourses that are at capacity. It should be ensured that the site can be developed without increasing flood risk elsewhere.

Town Council

3.4 Object due to overdevelopment.

Cllr T. Richardson

3.5 Object. The development is partly on land that is public open space. It is land grabbing and harms openness. It would also encroach on Yorkshire Water services bounding the site.

Neighbour Notification and Publicity

3.6 Residents of three properties have objected to the proposal. The reasons stated for this are:

- Concerns regarding overlooking of gardens and the proximity of the boundary fence to other gardens.
- Part of the house projects too far beyond the front building line.
- It is overdevelopment.
- It is out of character and the ridge is too high.
- Object to the loss of the leylandii hedgerow and any further loss of vegetation.

4.0 APPRAISAL

4.1 The key issues in assessing the proposal are:

- principle of development
- impact on the streetscene
- impact on amenity and living conditions of adjacent occupiers
- highway issues
- drainage
- quality of accommodation provided

4.2 The National Planning Policy Framework 2012 (NPPF) sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. The framework states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. One of 12 principles set out in paragraph 17 is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

4.3 In respect to the development of gardens it states (paragraph 53) that LPA's should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where it would harm the Local area.

4.4 Paragraph 187 states that Local Planning Authorities should look for solutions rather than problems and decision takers at every level should seek to approve applications for housing development where possible. In considering proposals for new housing, the benefits from delivering a wide choice of quality homes is emphasised along with the need to avoid unacceptable impacts on the environment and neighbours' living conditions.

4.5 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the content of the NPPF.

4.6 Local Plan Policy GP1 'Design' states that development proposals will be expected to respect or enhance the local environment and be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and vegetation.

4.7 Local Plan Policy H4a 'Housing Windfalls' states that new development should be accessible to shops and services and of an appropriate scale.

4.8 Local Plan Policy GP10 'Subdivision of gardens and infill development' states that new dwellings should not be detrimental to the character or amenity of the local environment.

PRINCIPLE OF DEVELOPMENT

4.9 The NPPF promotes the approval of proposals that accord with the development plan or where the plan is absent, silent or out of date, planning permission should be granted unless the adverse impacts of doing so demonstrably outweigh the benefits when assessed as a whole. One of the core planning principles set out in the NPPF is the effective use of land through the reuse of land which has been previously developed providing it is not of high environmental value. The NPPF, however, excludes private residential gardens in built-up areas from the definition of previously developed land. Notwithstanding this, paragraph 49 of the NPPF states that housing applications should be considered in the context of a presumption in favour of sustainable development. Local Plan Policy GP10 accords with paragraph 53 of the NPPF in that it seeks to resist inappropriate development of residential gardens, which would cause harm to the local area.

4.10 The application site falls within the settlement limit of Haxby. It is in an accessible location, within walking distance of a range of local facilities. Residential development would be a land use compatible with surrounding land uses. Broadly speaking the principle of development is considered to be appropriate. It is however the case that for the application to be acceptable it needs to be ensured that the proposed dwelling would provide good quality accommodation and not detract from

issues of importance including, neighbour amenity, local character and highway safety. The site specific issues relating to the proposal are considered below.

IMPACT ON THE STREETSCENE

4.11 The immediate area contains a mix of modern house types. Although the host dwelling is a dormer bungalow it is the case that conventional two-storey dwellings sit beside bungalows within the area. The original developer sought to create a degree of variety in the streetscene in terms of building height, form and materials.

4.12 A gap of 2.5m will remain between the host and new dwelling. This is considered acceptable in respect to avoiding the impression of over-development. There is space within the front curtilage for car parking (at least two cars each) for the host and proposed dwelling. The area is characterised by parking in front gardens and several nearby properties have converted almost all of their front gardens for the use. The applicant has indicated that the section of the front garden adjacent to the lane will be landscaped and enclosed by a hedgerow. This is considered beneficial in softening the impact of development. As the estate is largely open plan in character, permitted development rights have been removed for hard boundaries around the front garden.

4.13 The rear corner (south-west) of the proposed dwelling will be relatively close to the garden boundary with the lane. It is considered that the lane and associated undeveloped land is sufficiently wide in the location to avoid the house dominating the pedestrian route. The feeling of openness when viewed from Greenshaw Drive will remain. The lane varies in character and width as it passes through the village. In a number of areas the immediate setting is not particularly attractive. The proposed dwelling would not impede any future attempts to enhance the setting of the footpath through new landscaping.

IMPACT ON NEIGHBOURS' LIVING CONDITIONS

4.14 One of 12 principles set out in paragraph 17 of the NPPF is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

4.15 The host dwelling has no habitable room windows to the side. There is adequate separation to the front and rear of the proposed dwelling to avoid unacceptable harm in respect to privacy or outlook. The rear elevation of the nearest bungalow on Ruddings Close is around 25m away from the site of the proposed dwelling. The separation distance between first floor rear openings and the nearest back garden boundary would be around 11m. This is considered to be within acceptable limits. It is noted that overlooking to the nearest rear gardens is oblique.

HIGHWAYS ISSUES

4.16 The host dwelling and new dwelling would both have space to park at least two cars and would have access to discrete bin and cycle storage.

DRAINAGE, FLOOD RISK

4.17 The property is in area classified as being of low flood risk from watercourses. It has been conditioned that surface water is discharged in a way that reduces run-off rates to the minimum practical.

QUALITY OF ACCOMMODATION CREATED

4.18 The proposed dwelling would provide good quality internal accommodation. The triangular shaped rear garden is relatively small, however, it is south facing and has a generally open outlook. The side garden is also proposed to be enclosed and would contribute to the external amenities of the home. The enclosed area of garden would amount to around 50 square metres which would normally be considered adequate to meet the needs of the occupants.

5.0 CONCLUSION

5.1 The proposal would provide a new three-bedroom dwelling in an existing residential area. It is considered it would relate to the form of houses on the residential estate and would have sufficient space around it to avoid the site appearing over-developed. It would not have an unacceptable impact on the amenities of neighbouring properties. The host dwelling would still retain adequate parking and garden space. Taken on its merits it is considered that the proposal to erect a new dwelling on the site amounts to sustainable development and complies with advice in the NPPF and policies in the Local Plan which seek to support the sensitive and efficient use of land.

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:

Proposed arrangement 87/GRE/002 Rev C received by the Local Planning Authority on 8 September 2017

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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 external walls. 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 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, details for the surfacing of the site shall be submitted to and approved in writing by the local planning authority prior to being constructed on the site. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance and reduce surface water run-off.

5 The dwelling shall not be occupied until the areas shown on the approved plan for parking and manoeuvring of vehicles including cycles 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.

6 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.

7 The applicant shall install a three pin 13 amp external electrical socket at the property or other alternative installation which is in a suitable location to enable the charging of an electric vehicle using a 3m length cable.

Note: Any socket provided must comply with BS1363 or an equivalent standard,

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Building Regulations and be suitable for charging electric vehicles.

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

8 In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation 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.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9 The development shall not be occupied until there has been submitted and approved in writing by the Local Planning Authority a landscaping scheme which shall illustrate the number, species and height of the hedgerow planting shown on the approved plan. 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: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site in the interests of the character and appearance of the area.

10 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 Part 2 Class A (gates, fences, walls) of that Order shall not be erected or constructed forward of the dwelling house.

Reason: To respect the open plan character of front gardens the Local Planning Authority considers that it should exercise control over any boundaries around the front garden, 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.

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 an acceptable outcome:

Revisions sought to address overdevelopment, car parking, privacy and landscaping.

2. INFORMATIVE:

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

3. SURFACE WATER - Requirement H3 of the Building Regulations 2000 establishes a preferred hierarchy for surface water disposal. Consideration should firstly be given to discharge to soakaway. Soakaway tests should normally be observed by the Council's Flood Risk Management Team.

4. THE PARTY WALL ETC ACT 1996

The proposed development may involve works that are covered by the Party Wall Act 1996.

Furthermore the grant of planning permission does not override the need to comply with any other statutory provisions (for example the Building Regulations) neither does it override other private property rights (for example building on, under or over, or accessing land which is not within your ownership).

Contact details:

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