

Residential Density

CYL1

Open spaces in new residential devts

CYGP9

Landscaping

CYT4

Cycle parking standards

3.0 CONSULTATIONS

3.1 Internal

Highways - No objections. The dwelling would be served by an existing access. Car parking and cycle storage are provided in accordance with council standards

Drainage - No objections.

Environmental Protection Unit - No objections subject to an informative reminding the developer of their environmental obligations.

3.2 External

Clifton Without Parish Council - No objections. In support only: (a) subject to the support of neighbours and (b) Melton Drive being made up to adopted highway standard.

Public Consultation - Five letters of objection have been received from local residents. Issues raised comprise: approval would generate more vehicles (including construction vehicles), which would damage the unadopted Melton Drive; Increase risk of flooding; impact on neighbouring occupiers; destruction of ecosystems/habitats; conflict with policy GP10.

4.0 APPRAISAL

4.1 Key Issues

Density and Sustainability.

Visual appearance.

Neighbour amenity.

Off-street parking.

Public open space.

Impact on ecosystems/habitats

Drainage.

Adoption of Melton Drive.

4.2 The Application Site

Rear garden and 3-car garage of a 2-storey, semi-detached, dwellinghouse fronting onto Reighton Avenue. Access to the garage building is from Melton Drive. The site has further parking at the front of the house with access from Reighton Avenue. The rear garden is mainly lawned with some ornamental trees and a 2m-high hedge to all boundaries. The area is predominantly residential. The proposed dwelling would be located on the south-eastern part of the site, ie where the garage building is located.

Whilst Melton Drive comprises mainly 2-storey houses the dwelling immediately opposite the site is a bungalow (No.2 Melton Drive).

4.3 Housing Density and Sustainability

The site area is 0.026ha, giving a development density of 38dph. The site is in a sustainable location with good access to public transport.

4.4 Visual Appearance

The scale and appearance of the proposed dwelling have changed significantly from the previous application. The dwelling is now much smaller and is similar in scale to No. 2 Melton Drive opposite. The scale of the proposal is now appropriate for the site and is in keeping with the character of the street scene.

4.5 Neighbour Amenity

The existing garage building has a ridge height of 4.8m and lies approximately 1.2m from the boundary with the rear garden of 34 Reighton Avenue. The new dwelling would have a ridge height of 5m and would be 1m from the boundary. Whilst the footprint of the new building would be greater than the existing garage the impact of the scale of the bungalow on the occupiers of No.34 would be acceptable, particularly as the two dwellings would be separated by a distance of approximately 22m. Overlooking of No.34's garden would be prevented by a 2m-high hedge along the shared boundary and by the sensitive arrangement of windows. Overlooking of the existing house at 32 Reighton Avenue would be prevented by a new 1.8m-high fence between the site and the retained part of No.32's rear garden. Impact on the occupiers of No.1 Melton Drive would be minimal due to the distance between the buildings, the orientation of No.1, the relatively narrow end elevation of the proposed dwelling and an intervening garage. There are no other significant amenity issues.

4.6 Off-Street Parking

Adequate cycle storage would be provided. Off-street car parking for the new dwelling would be in accordance with council standards, ie a maximum of one space. However, the access to the parking space is shown as 6.5m wide, well in excess of the 3.5m width required. The access should therefore be reduced in width. This would prevent the garden area being occupied by cars (to the detriment of the outlook of the occupiers) and to minimise the visual break in the boundary treatment.

The existing house on the site would retain adequate parking space on the Reighton Avenue frontage.

4.7 Public Open Space

An open space contribution of £815 would be required. This can be made the subject of a planning condition and a s.106 agreement

4.8 Impact on Ecosystems/Habitats

Much of the site is already occupied by buildings or hardstanding. The site is not known to be occupied by any protected species. Whilst one minor tree would be lost the larger tree on the site and all boundary hedges would be retained. These could be protected by condition.

4.9 Drainage

The site is in flood zone 1 and the likelihood of flooding is small. The council's drainage engineer has no objections to the proposal.

4.10 Adoption Of Melton Drive

The main issue of concern to local residents is possible damage to Melton Drive, an unadopted highway. The objectors are seeking to have the road adopted by the council. Maintenance of the road is the responsibility of each owner that has a frontage to the highway, which includes 32 Reighton Avenue.

The council has an order of priority list for the making up of private streets. This is based on a merit rating system and Melton Drive is at present sixth on the list. The streets on the list are referred to as prospectively maintainable highways. Residents have been asked whether they would like to pursue the making up of their street but there was insufficient positive return for the council to consider taking the matter any further. Although the council may contribute towards the overall cost of making up the highway to an adoptable standard actual costs would be apportioned in accordance with respective property frontages.

The planning application, however, should be considered on its own merits and the fact that Melton Drive is a private street should not influence the outcome.

5.0 CONCLUSION

5.1 The proposal is acceptable in terms of housing density, sustainability, visual impact, impact on residents' living conditions, open space and highway issues. The application therefore complies with policies GP1, GP10, H4a, H5a, T4, and L1 of the City of York Local Plan Deposit Draft. An open space contribution of £815 would be required if planning permission were to be granted. Adoption of the adjacent private road is not planning issue and is therefore not relevant to the planning application.

6.0 RECOMMENDATION: Approve

1 TIME2

2 The development hereby permitted shall be carried out only in accordance with the approved plans numbered AP1/07 and AP2/07 dated 16 March 2007 and APVL1/03/07 dated 2 April 2007 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 DRAIN1

5 HT1

- 6 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.

- 7 None of the existing trees or hedges shown to be retained on the approved plans shall be wilfully damaged or destroyed or uprooted, felled, lopped or topped without the previous written consent of the Local Planning Authority until 12 calendar months after completion of the permitted development. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased before the end of that period shall be replaced with trees of such size and species as may be agreed in writing with the Local Planning Authority.

Reason: The Local Planning Authority considers it important to safeguard these trees in a positive manner so as to secure their continued well being.

- 8 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 £815.

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.

- 9 HWAY19
- 10 The width of the vehicular access onto Melton Drive shall not exceed 3.5m. No building work shall take place until details of the access including any

hedges, gates, walls or piers along the boundary of the site have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity

- 11 The development shall not be occupied until the 1.8m-high timber fences shown on the approved plans have been erected to the satisfaction of the local planning authority.

Reason: In the interests of visual amenity and the amenities of the adjacent occupiers.

- 12 Cycle parking provision in accordance with the approved plans must be provided before the use commences and thereafter retained for the sole use of the occupants of, and their visitors to, the development hereby approved.

Reason: To comply with the Local Planning Authority's parking standards.

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 housing density, sustainability, visual impact, impact on residents' living conditions, open space and highway issues. The application therefore complies with policies GP1, GP10, H4a, H5a, T4, and L1 of the City of York Local Plan Deposit Draft.

2. 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 should also be 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.

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